CITY OF HAMILTON

- RECOMMENDATION -

DATE: January 29, 1991
(P5-4-2-18)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Housing Intensification Study

RECOMMENDATION:

That the Planning and Development Department be directed to hold a public meeting to present a *Strategy for the Provision of Housing Intensification Opportunities* (as per Section 3.0 of this report).

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

1.0 BACKGROUND:

"Housing Intensification" is one of the most contentious issues facing municipalities in Ontario today and the City of Hamilton is no exception. Although the process of housing intensification at first glance appears rather innocuous, the positive and negative implications stemming from it are far ranging and significant.

Housing intensification is much more than converted dwelling units. Housing intensification can be defined as the process of increasing the number of households within the existing urban fabric by making more efficient use of the existing housing stock and/or physical infrastructure. Converted dwelling units are, of course, one component of housing intensification but other initiatives such as:

- infill;
- redevelopment;
- home sharing; and,
- the conversion of non-residential structures to residential use

are equally as important and achieve the same objectives as converted dwelling units - the creation of more housing and a more efficient use of the built environment.

Housing intensification is not a new concept. Since the early 1980's the Province has recognized intensification as a cost effective method of getting new housing units into the marketplace. As the housing units provided through intensification tend to be rental and of modest cost, intensification has been cited as a mechanism of achieving the broader goal of increasing supply of more affordable housing.

In 1989 encouraging housing intensification became a formal policy of the Province, through the Provincial Cabinet approval of the Policy Statement Land Use Planning for Housing. Although much has been said of the inadequacies of the Provincial Policy Statement, the City of Hamilton must

> "identify opportunities to increase the supply of housing through better use of existing resources, buildings or serviced sites".

The purpose of this report is to provide Planning and Development Department recommendations on housing intensification for the City of Hamilton. The recommendations are based on the draft options of the Technical Steering Committee (continued in Appendix 11) two major background research studies and input from two well-publicized and well-attended public meetings held in July, 1990 and September, 1990, and numerous submissions from Hamilton citizens and community-based organizations. The process for developing these recommendations has taken many months and is the culmination of a great deal of dialogue and consultation with many concerned citizens, politicians, interest groups and Municipal Departments.

The Report is divided into the following sections:

1.0 Background

2.0 Issues and Analysis

- A. The Need for Housing Intensification
- B. Infill, Redevelopment and Non-Residential Conversions
- C. Residential Conversions
- D. Other Housing Intensification Issues

3.0 A Strategy for the Provision of Affordable Housing Intensification Opportunities

Appendices 1 to 11 provide background information for this Report.

As a preface to the report, it must be noted that there are no "quick fixes" to remedy the real and perceived problems associated with housing intensification - particularly residential conversion. However, the report attempts to provide a strategy which is a balance between locally administered policies, procedures and practices, with necessary Provincial actions, in order to deal with these problems, as well as the broader issue of intensification.

2.0 ISSUES AND ANALYSIS

Based on the previous background reports, the comments and submissions on the Draft Options, and staff discussions, the following major issues have been identified:

A. THE NEED FOR HOUSING INTENSIFICATION

The need for housing intensification is a result of Provincial requirements and housing demands. As such, this section is divided into the following subsections:

- Legislative Requirements for Housing Intensification;
- The Need for Affordable Housing; and,
- Recommended Approach.

A.1 LEGISLATIVE REQUIREMENTS FOR HOUSING INTENSIFICATION

The Provincial Policy Statement requires the City of Hamilton, as a priority area, to develop policies which:

> *Identify opportunities to increase the supply of housing through better use of existing resources, buildings or serviced sites to meet changing demographic trends and housing demands, and adopt a strategy to make use of those opportunities, by:*
>
> *i) designating areas in the official plan where each form of Residential Intensification will be permitted;*
>
> *ii) including zoning provisions to permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan; and,*
>
> *iii) adopting policies and development standards for New Residential Development so that alterations to create additional units in new building stock can take place in the future, as needs change within those communities.*

Much criticism has been placed on the Provincial Policy Statement for being a document reacting to Toronto-area housing problems. As well, the Provincial Policy Statement is a land use planning document which purports to address the need for "affordable" housing, that for the most part cannot be addressed through land use planning per se.

A more effective solution, which has been recognized by the new Provincial Government, is to construct more assisted housing units that would follow-up on the successful "Homes Now" Program.

Although the Provincial Policy Statement may be flawed, as a priority area, Hamilton must still design a strategy to meet the spirit of the Policy Statement. It must be recognized that any municipal strategy on residential intensification has to be sensitive to local issues and concerns within the community.

In addition, it should be noted that Hamilton is already fairly advanced in providing housing intensification opportunities, when compared to other Ontario municipalities. As part of one of the background reports, a survey of 23 Ontario municipalities was undertaken. The survey concluded that Hamilton is one of the more progressive municipalities, with regulations that are less stringent than most other municipalities (e.g. Hamilton's height requirements and no maximum lot coverage). It is one of the few municipalities that permits, under certain circumstances, conversions as-of-right.

A.2 THE NEED FOR AFFORDABLE HOUSING

Housing intensification can create rental accommodation at a more affordable cost than through new construction. The current cost of constructing a modest new rental unit is much more than the costs of renovating existing buildings. The private sector has not been constructing new rental accommodations. The current vacancy rate in the City is 1.4%, down from 5.7% in 1977. Presently, there is not enough rental accommodation to meet our housing needs. Aside from assisted housing, housing intensification is one of the few ways available to meet the needs for more rental accommodation.

In addition to the need for more rental accommodation, there is also a need to provide smaller units. Demographic trends indicate a growing number of single person, senior citizen and single-parent households, which generally require smaller housing units. For example, the number of single person households in Hamilton has increased from 14,550 in 1971 to 31,375 in 1986. As a percentage of all households, they increased from 15% in 1971 to 27% in 1986.

The background reports outlined some of the advantages of housing intensification:

- more cost effective provision of public services;
- increasing densities to support public transit;
- need for less roads, sewer and water service, as well as potential cost savings from less maintenance requirements;
- more customers are available for local businesses and a greater level of service can be conveniently provided;
- property owners have more options for the use of their property;
- neighbourhood assessment is increased;
- more affordable housing opportunities can be provided;
- implementation of the concept of sustainable development, by promoting a more compact urban form; and,
- maintain current population levels.

In addition, some potential disadvantages were identified:

- change in appearance of the neighbourhood;
- more demand for public services;
- a more crowded neighbourhood;
- more traffic congestion on the street and potential adverse parking situation; and,
- a resistance among residents to new people moving into the neighbourhood.

A.3 RECOMMENDED APPROACH

While housing is needed and should be provided for, it is clear from the Policy Statement that municipalities are encouraged to develop local approaches to housing intensification. Therefore, Hamilton must develop a strategy that creates opportunities for housing intensification and that is sensitive to local housing issues, conditions and circumstances.

B. INFILL, REDEVELOPMENT AND NON-RESIDENTIAL CONVERSIONS

Infill, redevelopment and conversion of non-residential buildings offer opportunities for residential intensification. This section examines these opportunities, as well as outlines a recommended approach for these forms of housing intensification.

B.1 OPPORTUNITIES

Infilling refers to new housing on vacant or underutilized lots. Redevelopment refers to new housing opportunities on land previously developed. The conversion of non-residential buildings for residential use also creates opportunities for more housing. Care is needed to integrate new housing into the neighbourhoods both in land use and visual terms, for example:

- satisfactory parking must be provided and traffic impacts must be considered;
- hard and soft services should be available;
- privacy of existing housing should be maintained;
- adjacent uses and zoning should be considered; and,
- the development should respect the architectural, historic and landscape character of the area in terms of setbacks, height, scale and texture.

In Hamilton, there has been an ongoing commitment to these types of intensification proposals, for example:

- the redevelopment of Pigott/Sun Life buildings, former offices for apartments;
- the rezoning application for the redevelopment of the Tiffany Block;
- the proposed reuse of the Westinghouse Office Building;
- the reuse of offices at King and Sanford Streets;
- the redevelopment of the Donald Greening building at Queen and Napier; and,
- the Corktown co-op, a former industrial site.

The Planning and Development Committee is also currently considering an application for residential use of the former Lapp industrial site on Beddoe Drive.

B.2 RECOMMENDED APPROACH

Redevelopment, infill and non-residential conversions clearly provide opportunities for housing. Therefore, consideration should be given to the following three initiatives:

i) Commercial Conversions

Currently in the "H" Zoning district conversions are permitted up to 10 units without parking, subject to the following:

- the building existed prior to March 8, 1983;
- a radial separation of 180 meters (600 feet) is maintained between converted buildings; and,
- the average floor area of all dwellings is a minimum of 65 m^2 (700 sq. ft.).

In older no longer economically-viable commercial areas, such as sections of Barton Street, consideration may be given to removing the radial separation, in conjunction with other special program initiatives, on an area-by-area basis.

To date, few conversions of this nature have occurred. Clearly, there is a need to make property owners aware of these opportunities and help them access available programs designed to help cover the costs of the conversion. A public-awareness program for key commercial areas should be developed.

Barton Street should be given special consideration and identified as a special policy area in the Official Plan, in order to encourage residential conversions.

ii) Support for Proposals

There are a significant number of older non-residential buildings in Hamilton with the potential for conversion. These include space over strip commercial areas, office buildings, manufacturing plants and surplus schools.

Pre-determination of such opportunities may be difficult, given that the reuse of these buildings are the result of private sector decisions. Council should continue to support initiatives for redevelopment, infill and the conversion of non-residential buildings as they occur. It is suggested that general Official Plan policies be developed to support these initiatives and the conditions for that support. These policies can be developed as part of the Department's implementation work on the Provincial Policy Statement.

While specific site opportunities for residential infill and redevelopment opportunities are difficult to determine on an individual basis, broad geographic areas for these opportunities will be identified through work to be prepared by the Regional Planning Branch, as part of the Regional Housing Statement Update recommendations.

iii) Mixed Commercial/Residential Development

It has been suggested that consideration be given to requiring residential use as part of a commercial development where new areas are zoned or designated for commercial use.

While it may not be appropriate to require residential uses as a part of all new commercial development, it may be beneficial to encourage commercial/residential mix in neighbourhood plans and the Zoning By-law. This would provide an opportunity for the private sector to construct affordable housing.

Such mixed uses may be most appropriate for neighbourhood commercial developments and in older commercial strips. Appropriate policies encouraging this can be developed as part of the implementation work for the Provincial Policy Statement.

Council should continue to support applications for these types of housing intensification initiatives, where they can successfully be integrated into neighbourhoods.

C. RESIDENTIAL CONVERSIONS

Residential conversion is the addition of housing units in an existing residential building. Typically, this consists of altering single-family dwellings to create one or more self-contained units (duplexing or triplexing). Clearly, residential conversion is the most controversial issue facing any strategy for housing intensification.

Due to the limited cost of adding units through residential conversions, this form of intensification has been identified by the Province as the most cost effective method of intensification with the greatest potential for increasing the housing stock.

Currently, the Zoning By-law allows as-of-right conversions for single-family and two-family dwellings if:

- dwelling construction is before July 25, 1940;
- each unit is a minimum of 65 square metres (700 square feet);
- the lot area is a minimum of 270 square metres (2,900 square feet);
- sideyard setbacks are in accordance with the provisions applicable to the district in which the lot is included;
- parking is in accordance with the Zoning By-law, (i.e. 2 spaces for 2 units, 4 spaces for 3 units) all provided behind the building line; and,
- there is no change in external appearance.

Two units are permitted subject to the above standards in single family and suburban zoning districts (B, B-1, B-2, C, AA). Three units are permitted subject to the above standards in "D", (One and Two family zoning) districts and "DE", (Multiple Zoning) districts. Additional units are permitted in the multiple residential zoning districts (DE, DE-2, DE-3, E, E-1, E-2, E-3) subject to lot requirements.

This form of intensification has created the greatest concern. Based on the input at public meetings, submissions received from the public and the Technical Steering Committee's draft options, the following issues must be addressed if this form of intensification is to continue to provide housing opportunities.

- 1940 Age Restriction;
- Illegal Conversions;
- Absentee Landlords;
- Minimum Unit Sizes; and,
- Standards for Conversions.

C.1 1940 AGE RESTRICTION

The first issue related to residential conversions is the 1940 age restriction, as established in the original 1950 Zoning By-law.

As a result of this age restriction, the following concerns have been identified:

- there is an inequitable distribution of conversion in the City. While areas built prior to 1940 can be converted, the rest of the City is excluded. There is a need to examine options for a more equitable distribution of converted dwellings;

- as time goes by, the stock of potential conversion is taken-up and no new opportunities become available;

- affordable rental accommodation is needed throughout the City;

- the Province, in its Implementation Guidelines for the Policy Statement, states that barriers to intensification, such as age restrictions, should be removed; and,

- the concentration of conversions in pre-1940 neighbourhoods has resulted in the following concerns as identified by the public:

    - parking problems;
    - loss of greenspace;
    - changes to streetscapes;
    - strain on the existing infrastructure;
    - declining property maintenance;
    - increased noise and garbage; and,
    - influx of tenants who do not care about their neighbourhoods.

    There are three options in dealing with the 1940 age restriction for residential conversions, specifically:

C.1.1 Remove the 1940 Age Restriction

Removing the 1940 age restriction for the conversion of residential units is supported by residents in the pre-1940 neighbourhoods, affordable housing groups and landlords. This is also consistent with the requirements of the Provincial Policy Statement. This option would:

- create opportunity for approximately 9,500 additional units. However Provincial studies such as the Ekos report on property value show that only 6% of units would likely convert (572 units). The need for apartment units is estimated to be 330 per year. Assuming conversions in the post 1940 area take five years to establish, this would contribute 114 units per year;

- provide incentives for home ownership, by creating additional household income from rental units;

- reduce illegal conversions as there will be a greater potential for legal conversions; and,

- treat each area of the city on an equitable basis.

This option may impact post-1940 areas as these areas do not permit residential conversions as-of-right other than through zoning by-law amendments or minor variances. Residents may have bought into the neighbourhood or rented houses with the expectation that apartments would not generally be permitted. Specifically, there may be concerns about conversions on property values. However, Provincial studies have shown that the effects of conversions on property value is negligible.

C.1.2 Set Age Limits

Another option would be to permit houses of a certain age to convert. Over time, more houses would be able to convert, subject to certain by-law restrictions.

Many of the advantages noted above by removing the 1940 age restriction entirely would apply, but to a limited extent (e.g. more potential for apartments, more legal units complying with fire and safety standards, greater choice of location, etc.), while taking the pressure off the pre-1940 areas.

However, an age limit would not permit conversions throughout the city, and would restrict some households from supplementing their income through conversion. In addition, it may encourage some illegal units in homes that have not yet achieved the age requirement.

The Technical Steering Committee suggested permitting conversion in those areas built between 1940 and 1945 as-of-right, in order to minimize the impact of conversions, with a view to extending conversions a further five years in the future. However, this option would not provide enough opportunities to take the pressure off the pre-1940 areas.

Perhaps a more realistic approach would be a 20 year age limit which corresponds to the life cycle of a typical family. Household size tends to decrease after this period of time, as children leave the household. Several municipalities have an age of dwelling requirement, including Ottawa (20 years), Mississauga (20 years), North York (30 years) and York (20 years). However, it should be noted that recently, age restrictions have been challenged before the O.M.B.

C.1.3 A Moratorium on Conversions

The option of a moratorium on residential conversions in pre-1940 neighbourhoods has been suggested to check the concentration of conversions. This would still permit owners to apply individually for residential conversions but remove the as-of-right conversion. A moratorium would allow legal conversions to be limited but may induce more illegal conversions and the associated problems of safety.

However, a temporary moratorium may be appropriate for an area that is undergoing a neighbourhood plan review. Section 37(7) of the Planning Act (Interim Control By-laws) allows a one year freeze, where a planning study is underway.

C.1.4 Conclusion

Based on the above analysis, it seems appropriate to lift the present 1940 age restriction and eliminate this discriminatory element.

Many homeowners purchased a home in particular neighbourhoods specifically because it was "a single-family area", and want their neighbourhood to remain in that state. This is a legitimate concern and clearly there is a need to "protect" some neighbourhoods from higher-density dwelling forms. There remains a very strong demand for neighbourhoods that have a low density character. This should be recognized in any housing intensification strategy.

The Provincial Policy Statement implicitly recognizes these aspirations. The Policy Statement permits municipalities to identify areas where residential conversions would be permitted and allows for the exclusion of areas where demand, services and housing form would not be appropriate for conversions.

On this basis, an age limit of 20 years could be applied to all new housing developed in the City. Once the dwelling has aged beyond the 20 year requirement, it should be allowed to convert subject to by-law requirements. This ties in to the aging of a household, as mature children move out of the house. As a result, neighbourhoods change, as households change and housing conversion becomes viable.

This option will open the City up to greater opportunities for conversions, with the ongoing potential for additional units for conversion every year. If this option were to be adopted this year, homes built before 1971 would be allowed to convert, subject to other by-law requirements (see Map, Appendix 7).

An additional approach would be to consider in the formulation of neighbourhood plans for the undeveloped areas of the city, the designation of sites for conversions at any time subject to special zoning to accommodate new innovative housing forms such as the Charlie house.

C.2 ILLEGAL CONVERSIONS

The second issue related to residential conversions is the amount of illegally converted units, as cited by the public in submissions received. Problems associated with illegal conversions include:

- limitations in the enforcement of illegal units due to limitations in Provincial statutes. Currently, enforcement of the Zoning By-law is initiated on a complaint basis;

- the lack of health and safety standards that would be met if the conversion complies to building, health and fire standards as required by the Ontario Building Code;

- the creation of on-site problems such as:

  - insufficient parking; and,
  - changes in physical appearance.

- the loss of property tax dollars, as illegal converted homes are not assessed at a higher level than single family homes; and,

- tenants evicted from deconverted units are forced to find alternative accommodation in an already tight rental market.

As a condition of further residential conversions, consideration must be given to an approach that deals with the issue of illegals and enforcement. In addition, there needs to be some mechanism to assist and/or protect tenants of illegal units. Such an approach should contain the following eight elements:

i) Entry to Dwellings

Gaining access in order to verify illegal units has been identified as a problem. Current legislation limits municipal building inspectors' authority to enter.

The Steering Committee suggested "that a resolution be passed supporting the Province's proposed change to the Building Codes Act (Bill 103), so as to enable municipal building inspectors to gain entry to dwellings to ensure that zoning and building regulations are being followed. Enforcement of Zoning By-law and Building Code has proved difficult without right of entry, particularly for conversions."

Council should pass both a resolution encouraging the Province to change the Building Code Act, as well as amend the Planning Act to permit entry to check compliance with Zoning By-laws. The previous Government had tabled legislation to allow for such right-of-entry.

Council should also request a meeting with the appropriate Provincial representatives to ensure this matter receives priority consideration. The Law Department anticipates that there may be legal challenges to such legislation.

ii) Certificate of Occupancy

A certificate of occupancy under Section 34(6) of the Planning Act can be used to verify the use of a property. Certificates of occupancy would entail inspections which would uncover illegal units. Costs could be recoverable through fees.

While this would not directly control illegal units it could be used as a mechanism to ensure that conversions meet current building, health and safety regulations. A fee structure and processing mechanism needs to be established.

The Building Department is preparing a report on the costs and benefits of introducing occupancy permits. The report is due to be completed in February 1991, and should consider this mechanism as a means of controlling illegal conversions.

In addition to Certificates of occupancy, the Province is examining opportunities to change the building code to require a building permit when there is a change of "major occupancy". As this may include changing a one family dwelling to a two or three family dwelling. This requirement will permit inspection of the conversion and ensure it meets current code requirements.

iii) Resources for Enforcement

A reorganization of the Building Department occurred in November, 1990. As a result of concerns about illegal conversions and enforcement, a division has been created between inspections and complaints, (i.e. enforcement). A complete working unit is dedicated to complaints under the Zoning By-law, property standards by-law and dirty backyards by-law. Complaints are being followed through more vigorously to court. The reorganization is intended to deal more effectively with enforcement issues.

The Building Department has already changed its enforcement practices. Previously, when an owner was issued an order to comply to the Zoning By-law, no action was taken if application was made to legalize the converted dwelling. Now the owner is forced to comply immediately.

The Building Department is monitoring the effectiveness of new procedures and will report to the Planning and Development Committee on a semi-annual basis. The next report is due in March.

iv) Vacant Units

It is unclear in law whether a vacant dwelling unit can be classified as a housing unit under the Zoning By-law. It is argued that an empty unit does not infringe the Zoning By-law if it is not being used. A landlord could have the unit vacated during enforcement and thus not be contravening the Zoning By-law. This can be a problem if it cannot be demonstrated that the dwelling has been converted.

It is difficult to prove occupancy and landlords have been able to avoid conviction where a unit is vacant. However, the vacant unit can easily be rented once the court case is over. Vacant units are specifically included under the Rental Housing Protection Act as rental units.

For consistency with this Act, the Planning Act should be amended to clearly define "use" to include vacant units. This would resolve this enforcement dilemma.

v) Fines for Contravention of Zoning By-laws

The current maximum fine under the Zoning By-law is $1,000. This does not act as a deterrent to lawbreakers. However, the Planning Act, 66(1)(a) provides a maximum fine of $25,000 for an individual and $50,000 for a corporation for contravention of a zoning by-law.

The Zoning By-law should be amended to make provision for maximum fines for by-law contravention.

vi) Landlords' Responsibility for the Relocation of Tenants from deconverted Illegal Units

The following resolutions were adopted by Council in October, 1990 and have been sent to the Province:

> "That the City of Hamilton request the Province of Ontario to amend the appropriate Act or Acts to make provision for the payment of monies by landlords to tenants who are forced to vacate their dwelling unit due to an order from a Municipality, the Ontario Municipal Board or Judicial Body resulting from the landlord's illegal creation of an apartment"; and,
>
> "That the payments recognize the costs incurred by the tenants for relocation and temporary accommodation".
>
> This is consistent with requirements of the Provincial Rental Housing Protection Act.

vii) Notice of Ownership

There were concerns that neighbours often could not contact the owner of a multiple-unit dwelling when problems arose. It has been suggested that absentee landlords be required to post their name (or their agent's) on the property. This could benefit neighbours, tenants, and the landlord by providing a more direct method of resolving issues.

Under the Landlord and Tenant Act, a landlord renting more than one unit in the same building is required to post conspicuously the legal name of the landlord and his address for service. The Act is enforced on a complaint basis by the Province.

viii) Illegal Conversions and Community Participation

Neighbourhood issues have been raised throughout the study and were articulated strongly at the public meetings and in subsequent submissions. Neighbourhood residents are concerned about illegal conversions, absentee landlords, lack of enforcement, property maintenance, parking, traffic, noise and neighbour conflicts.

While the Housing Intensification Study deals with city wide policies and regulations, some of the issues raised by the public can only be dealt with at the grass roots level. A fine grained approach may be necessary to deal with these issues which vary from neighbourhood to neighbourhood or street to street.

It is impossible to determine the number of illegal units without an internal inspection of each dwelling. Further, some of these conversions may be appropriate and should be legalized. However, this can only be done at the neighbourhood scale.

As a mechanism to identify and deal with issues where there are illegal conversions, the Technical Steering Committee suggested that streets or areas which show deterioration due to illegals be the subject of review with the assistance of residents or a neighbourhood association in order to establish a method to deal with problems.

It is apparent from the concerns identified that a multi-faceted approach is needed. Enforcement and illegal units must be addressed prior to creating additional opportunities for conversions.

As a Pilot Project, neighbourhood committees could be set up by Council much in the same way as neighbourhood planning advisory committees are used when preparing a neighbourhood plan. The Building Department would play a key role, and other departments could help the group as necessary.

These neighbourhood planning committees could undertake the following:

- collect information on population, use and condition of dwellings, parking, traffic, yard maintenance and development potential;
- analyze the information collected identifying illegal units, non-assessed units, parking and traffic issues, maintenance concerns and other neighbour concerns;
- assist in the formulation of strategies to deal with neighbourhood issues including:
    - traffic and parking (e.g. stop signs, use of alleyways, front yard parking, boulevard parking, permit parking, creating additional parking space, enforcement, etc.);
    - potential areas for redevelopment, infill and conversions;
    - information dissemination and education;

- addressing illegals; and,

- identify implementing actions, including:

  - targeting key illegal units and dealing with them on an individual basis (e.g. enforcement, tenant relocation, legalization, publicity about improvement programs such as Ontario Home Renewal Program and Convert-to-Rent);

  - targeting key maintenance issues, and dealing with them on an individual basis (e.g. enforcement, discussions between landlords and the neighbourhood group, etc.); and,

  - dealing with neighbour problems (e.g. mediation, discussions between landlords/tenants and the neighbourhood group, referral to Police, Noise Control Officer, Property Standards Officer, etc.).

In this Pilot Project, the committee must be a balanced representation of the neighbourhood and include tenants and landlords, as well as homeowners to encompass all points of view. Committees could work with staff and Aldermen to resolve issues locally and give advice through the Planning and Development Committee in accordance with a Terms of Reference (see Appendix 10).

For the Pilot Project, Provincial funding assistance is needed as soon as possible to facilitate the City in taking action on as many areas as possible, to cover staffing time and project related budget costs. A terms of reference for each group would be established to direct the actions of the committee. Funding for this project could be obtained through a grant under the Ministry of Housing Neighbours Program.

Priority areas appear to be Blakeley/St. Clair and Delta East and West areas, where neighbourhood problems appear the most acute.

Further projects, based on the experience of the pilot projects could be directed to the following neighbourhoods:

- Gibson;
- Stipeley;
- Landsdale; and,
- Crown Point East;

C.3 ABSENTEE LANDLORDS

The third issue identified by the public regarding residential conversion is absentee landlords, which affects neighbourhood stability, property maintenance, and parking issues. Although many absentee landlords own properties which do not create problems, it less likely that problems will arise when an owner lives on the premises.

Two key elements of an approach dealing with absentee landlords are:

- the notion of owner-occupancy as a condition of residential conversion; and,

- legislative remedy through Provincial leadership.

i) Owner-Occupancy

It has been suggested at the public meetings and in the submissions that an owner occupancy requirement may be a way to reduce these problems. However, the Law Department has advised that under the Planning Act, land use planning controls cannot regulate tenure (i.e. whether housing is owned or rented) but rather, only the actual land use.

Owner-occupancy appears to be the most effective mechanism in addressing the problems associated with absentee landlords. This would also help lower and moderate income households to purchase a home, as well as seniors who can no longer afford to keep their home or need less space. In addition, owners are more likely to be sensitive to the surrounding neighbourhood and preserving its integrity.

ii) Legislative Remedy and Provincial Leadership

Given that:

- tenure and owner-occupancy may have neighbourhood and land use planning impacts; and,

- many municipalities are struggling with residential conversions;

it is imperative that the Province take a leadership role in providing a legislative remedy, by amending the Planning Act to allow owner-occupancy as a condition of residential conversion. This requirement could be administered through the Certificate of Occupancy discussed earlier, or through some other mechanism. It should be noted that this requirement would be consistent with the condition of owner-occupancy associated with housing improvement grants and loans (i.e. Provincial Convert-to-Rent Program), or in the Province's experimental "Granny Flat" Program in Waterloo. Owner occupancy is also a common condition of conversion in the United States.

The only drawback with this requirement would be in cases where the owner-occupant sells the property which may result in the eviction of the tenant if the new owner wishes to occupy the entire house. This is similar to situations under the Landlord and Tenant Act which permits evictions, when the entire house is to be used by the owner.

The Law Department advised such legislative change may be in violation of the Federal Bill of Rights and may be subject to court challenge. However, a recent Supreme Court decision has established that notwithstanding a statutes infringement on personal rights, where the statute has proven to be in the broader community interest, it could withstand a court challenge. It is therefore important that the Province take the lead on this matter.

If the Province is not willing to entertain such a solution, the City may wish to consider not permitting conversion as-of-right anywhere and deal with conversions on an individual basis. Specific criteria could then be established to assist in evaluating the appropriateness of each proposal. However, it should be noted that this approach would contravene the Provincial Policy Statement.

C.4 MINIMUM UNIT SIZE FOR CONVERSIONS

The appropriate size of converted units has been identified by the Technical Steering Committee and the public as an issue. Currently, the Zoning By-law requires a minimum of 65 m^2 (700 square feet) for a converted unit. The Technical Steering Committee recommended a smaller minimum requirement, in order to provide smaller converted units which are in demand. It should be noted that the Zoning By-law does not establish any minimum size requirement for new construction. Size requirements are governed by the Building Code which also takes into consideration health and safety factors. No technical data has been found that would justify raising Building Code standards for unit sizes.

It should be noted that removal of minimum size requirements is consistent with the Provincial Policy Statement. Affordable housing groups also advocate that the Zoning By-law should not prescribe minimum unit size.

Options for a minimum unit size include the following:

- leave Section 19 of the Zoning By-law requirement of a minimum 65 square metres (700 sq. ft.) for converted units as is;

- change Section 19 as suggested by the Technical Steering Committee to a 65 square metre average with a minimum of 40 square metres (431 sq. ft.).

C.4.1 Status Quo - Minimum of 65 m^2 (700 sq. ft.)

Maintaining the minimum 65 m^2 (700 sq. ft.) eliminates the opportunities for creating smaller dwelling units which are growing in demand as a result of demographic changes. Smaller household sizes and growth in single person households usually equate to the need for smaller units.

C.4.2 Average of 65 m^2 with a Minimum 40 m^2 (432 sq. ft.)

Requiring an average of 65 m^2 with a minimum of 40 m^2 would afford greater flexibility to create smaller units catering to the increasing demands for smaller households, but restricted to larger houses (i.e. 1,400 sq. ft. and over). Input at the public meetings revealed that residents are concerned with lowering the minimum unit size for conversions. Residents feel that smaller units may encourage more transitory occupants with little stake in the neighbourhood. It was also suggested that smaller units would not be appropriate for seniors, who require larger, more accessible units. As an example, the Hamilton-Wentworth Housing Authority has experienced problems with renting bachelorette apartments to seniors.

C.4.3 An Alternative Approach for Unit Size

Given that owner-occupancy is being advocated in this report, as a condition of residential conversion, an alternative approach to unit size is a compromise between the status quo and the need for smaller units. This alternative is based on the notion of having a large principle unit with conversion as the accessory unit(s). Conversion would be achieved by requiring a minimum size for the principle unit of 65 m^2 (700 sq. ft.) only. The size of the accessory unit would be determined by the minimum standards established in the Building Code. Since:

- the Code is based on health, safety and fire standards;
- the owner-occupancy requirement; and,
- the Certificate of Occupancy which will necessitate the inspection of conversion,

this approach should be accepted. Not only will it encourage more home ownership, but a greater integration of larger and smaller households.

C.5 STANDARDS FOR CONVERSIONS

In addition to concerns about unit size, the following were identified as concerns that could be addressed as standards for conversions:

- separate thermostats;
- hydro service panels;
- upgraded water pipes and service;
- fire safety;
- noise insulation;
- ventilation;
- storm water run-off; and,
- parking.

With regard to these concerns, the Building Department has advised:

i) Separate Thermostats for Each Unit

This is only required if a new heating system is installed. Unless each residential unit has its own separate furnace or heating unit, it is not practical or possible to have separate controls. In most multiple dwellings or converted dwellings, heat is provided by a single or common furnace thus not permitting separate thermostats.

ii) Separate Hydro Service Panels for Each Unit

This is a matter of convenience for tenants residing in each unit. If a tenant trips a breaker on a panel, he may not be able to reset the breaker if it is located in another unit. Separating existing electrical services and providing individual service panels for each unit is not always practical in existing buildings. Those buildings which require a complete upgrading of the electrical system would have separate electrical panels for each unit, subject to the inspection.

iii) Upgraded Water Pipe and Pressure for Multiple-Unit Dwellings

Most existing single family dwellings have a half-inch water service. The Health Department enforces standards respecting minimum water flows at outlets within the building. New buildings now require a 3/4-inch water service to supply water as necessary. The Engineering Department has also advised that conversions do not adversely impact the risk of availability of the water supply, as such upgrading is not necessary.

iv) Fire Equipment and Fire Escapes

The Building and Fire Codes do not permit the installation of fire escapes on new buildings. The location and placement of fire escapes is controlled by the Fire Department under the Ontario Fire Code. Existing buildings may require fire escapes when exit and egress requirements are not satisfactory. The maintenance of all exterior stairs and fire escapes falls under the jurisdiction of the Building Department and is maintained through the Property Standards By-law.

v) Insulation and Noise Barriers Between Dwelling Units

For all new residential buildings, the Building Code prescribes minimum sound transmission ratings for partition walls between dwelling units. With respect to existing buildings, the Building Code requirements do not apply, as the Code recognizes existing walls and systems as acceptable.

vi) Ventilation

Ventilation requirements can be achieved by either natural or mechanical ventilation. Mechanical ventilation can provide optimum performance, however, such equipment may not always be under the total control of each tenant. Natural ventilation is usually provided by way of windows and other openings on doors. However, ventilation could be restricted due to improper operating windows or improper installation. Current ventilation requirements appear appropriate.

vii) Stormwater Runoff

The Regional Engineering Department advises that in older areas, housing intensification does not adversely impact the risk of basement flooding due to stormwater runoff.

viii) Parking

With the increase in conversions, there are concerns about insufficient off-street parking opportunities and with front yard parking which impacts the street through the removal of greenspace and trees.

It is suggested that current parking requirements remain as is in the Zoning By-law (i.e. a minimum of 2 spaces for a duplex and 4 spaces for a triplex) as any further reductions will aggravate current parking conditions.

Where front yard parking is permitted, consideration may be given to limit it to a maximum of 50% of the area for vehicle access, turning and parking thereby minimizing any impact of front yard parking on the appearance of the streetscape. Provisions could be refined and exceptions made where necessary, (e.g. smaller lots). This requirement will also help preserve the existing character of the area.

ix) Conclusion

The requirements for conversion standards are governed by different Provincial and City controls and requirements. New buildings must comply with the Ontario Building Code. However, when existing buildings are renovated, the Building Code allows a lesser degree of compliance. When work is done in accordance with a building permit, proper standards are adhered; this practice should continue.

With respect to existing buildings, minimum maintenance can be achieved through the City's Property Standards By-law. The Property Standards By-law applies to existing buildings to ensure that they are maintained to a minimum level of safety, health, and construction. Any tenant or landlord can lodge a complaint with the municipality to ensure compliance with the Property Standards By-law, Fire Code, or the Health By-law.

From this discussion, it is apparent that tenants in converted buildings cannot always enjoy the same level of comfort as may be attained in new dwellings. However, as the Building Department has advised through application of the Building Code for renovations and compliance with the Property Standards By-law, reasonable living environments can be achieved.

D. OTHER HOUSING INTENSIFICATION ISSUES

In the process of this study it has been noted that there are a number of other related opportunities for increasing the supply of affordable rental accommodation.

These include the following:

D.1 FUNDING/FINANCIAL OPPORTUNITIES

It is suggested that funding/financial measures could be provided for the development of housing intensification initiatives through:

i) PRIDE Funding

Accessing PRIDE Program Funds. Additional funds under the PRIDE program are available for improvements to existing community services and facilities in areas where intensification is to be encouraged. The maximum grant under PRIDE HINT (for Housing Intensification) is $1,000,000, and as of this writing, $6,000,000 remain in the Province's program budget.

Money is available for:

- capital costs of building, improving or replacing hard services and utilities, as well as social and recreational facilities;
- aesthetic improvements such as streetscape upgrading, landscaping, and buffers to reduce land use conflicts;
- administration costs; and,

- land and building acquisition, clearance and demolition for eligible PRIDE project components and related relocation costs.

PRIDE HINT funds have been requested from the Province but were not approved for the Beasley/Central neighbourhoods. However, a reapplication for these funds has been initiated.

ii) Other Initiatives

Where appropriate, the following funds should be accessed:

- The Neighbour's Program is a means for encouraging housing intensification initiatives. For example, this program could be used to encourage Barton Street property owners to convert vacant commercial space to residential use. This can be investigated further in the implementation of the Housing Agreement, which encourages the City to access the Neighbours Program. Perhaps this can be used to fund the Pilot Project.

- It has been suggested that a speculation tax be used as a disincentive to property investors only interested in flipping properties for quick profits. Reduced speculation in housing would lower housing costs generally. A speculation tax could also provide funds for creating affordable housing. The Provincial Government has discussed the possibility of introducing a speculation tax. Accordingly, the City should await a review by the Province.

D.2 THE VICTORIAN ORDER OF NURSES HOME SHARING PROGRAM

Established in April, 1989 with joint funding from the Region (25%) and the Ministry of Housing (75%), this program provides a screening and matching service for those interested in sharing accommodation. This is a mutually beneficial living arrangement where two or more unrelated persons share a single family dwelling or an apartment owned or rented by one of them.

Homeshare is a relatively inexpensive way of reducing the need for additional units.

D.3 INNOVATIVE HOUSING OPPORTUNITIES

The Hamilton and District Home Builders' Association should continue to be encouraged to consider innovative housing design and layout such as the CHARLIE House, which allows for the future conversion of a single family dwelling to a 2 family dwelling.

D.4 RENT REVIEW LEGISLATION

Rent Review has been cited as one of the most significant obstacles of getting the private sector back in the business of building rental housing. Since 1975 the Province of Ontario has maintained some form of rent regulation. Over the past fifteen years, the structure of rent regulation and its implementation has changed many times. As part of the Government's efforts of developing a new comprehensive housing strategy and reviewing current Rent Review legislation, the Province is encouraged to evaluate

the adverse effect on the supply of private rental housing and develop appropriate incentives to attract the private sector back into the rental housing market.

D.5 NON-PROFIT HOUSING SUPPLY PROGRAMS

Since 1973 when amendments to the National Housing Act allowed non-profit and co-operative organizations to easily develop housing projects, non-profit and co-operative housing have accounted for a small but important segment of total new housing production in Ontario.

With an increase in Provincial unit allocations reflecting the true extent of housing need in the community, Hamilton will be in a position to experience solid gains in providing a variety of housing choices for its residents.

Increases in the supply of affordable housing for low income groups can only be achieved through ongoing government subsidies. It should be recognized that the private sector cannot meet the demands for low-income housing, even through housing intensification. It is only through a new non-profit/co-op supply program that there will be an increase in affordable housing in Hamilton. Therefore, the Province is encouraged to increase its allocation for non-profit/co-op housing to the City.

3.0 A STRATEGY FOR THE PROVISION OF HOUSING INTENSIFICATION OPPORTUNITIES:

The Provincial Policy Statement on Land Use Planning for Housing recognizes housing intensification as one of a number of methods of addressing the affordable housing issue. There are social benefits of providing a choice in housing, particularly affordable housing. There are property right benefits, allowing more flexibility and freedom for the dwelling owner. In the next 10 to 20 years housing intensification through redevelopment, infill and conversions may become the primary method of providing new housing as the supply of vacant residential land in the City will be exhausted.

Based on the foregoing discussions on issues and options, the Planning and Development Department has concluded that the most effective way to realize housing opportunities through housing intensification is through a multi-faceted strategy.

This strategy must be based on local needs and requirements. Changes to Provincial Acts, local policies and regulations and other related initiatives are needed for housing intensification to work effectively in the City.

Such a strategy needs to be sensitive to sustaining neighbourhoods. For example, the older areas of the lower city contain beautiful treed streets and a rich variety of architecture. They are a valuable resource in terms of a variety of accommodation, encouraging business to invest and providing a good quality of life. The strategy being recommended consists of the following elements:

A. ENFORCEMENT OF ILLEGAL UNITS AND COMMUNITY PARTICIPATION

A.1 That the Province be requested to undertake changes to the Building Code Act (Bill 103) and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed.

A.2 That the Building Department be requested to:

i) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;

ii) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,

iii) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.

A.3 That the Zoning By-law be amended to provide a maximum fine of $25,000 for an individual and $50,000 for a corporation for contravention of a zoning by-law, as permissible under the Planning Act.

A.4 That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.

A.5 That the Province be requested to fund a Pilot Project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis as contained in the proposed Terms of Reference (Appendix 10).

A.6 That consideration be given to assist displaced tenants as a result of deconversions in locating suitable alternative accommodations.

B. RESIDENTIAL CONVERSIONS

B.1 That the Province be requested to enact special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.

B.2 That provided this legislation is enacted, the Zoning By-law be amended to:

i) permit one accessory apartment as-of-right in all existing single family dwellings in B, B-1, B-2, C and AA Districts and a maximum of two accessory units in all dwellings in the "D" and "DE" districts, provided the dwelling is a minimum of 20 years of age;

ii) require at least one unit of the converted dwelling to be a minimum of 65 m^2 (700 square fe[illegible]); and,

iii) require that front yards have a maximum area of 50% for vehicle access, turning and parking, to protect the appearance of the street.

B.3 Should this Provincial legislation not be enacted, consideration may be given to require each residential conversion to be assessed on an individual basis through Zoning Applications, subject to the requirements of B.2 and that the Zoning By-law be amended to remove-as-of-right zoning in area where it is presently permitted.

C. REDEVELOPMENT, INFILL AND NON-RESIDENTIAL CONVERSIONS

C.1 That the Zoning By-law requirement in Section 14 for the "H" classification be amended to allow conversions of up to 10 units providing the building existed prior to March 8, 1983 and as long as the ground floor frontage remains in commercial use and is subject to parking requirements.

C.2 That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:

i) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,

ii) a program be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.

C.3 That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

C.4 That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch.

D. OTHER INITIATIVES

D.1 That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Update and the Provincial Housing Policy Statement Implementation Study.

D.2 That the Zoning By-law be amended to create a new Zoning district, where conversions are permitted for all dwellings, regardless of age to be used in new areas upon the request of developers, and designated in the Neighbourhood Plans.

D.3 That the Neighbourhood Planning process review the following:

- the designation of areas where conversions can occur, regardless of the age of dwellings; and,
- areas in which mixed residential/commercial uses are encouraged.

D.4 That the Region be requested to encourage Area Municipalities to take a fair share of the demands for housing intensification, and the Region include such policies in their Official Plan.

D.5 That the Province be encouraged to increase its allocation of non-profit and co-op units to the City of Hamilton.

E. CONCLUSION

From the range of issues raised and analysis of alternatives, it is apparent there are no easy solutions to questions respecting housing intensification. What this report attempts to provide is an approach that blends existing policies, regulations and procedures, together with the need for legislative changes and provincial co-operation in the testing of a strategy through a model demonstration program.

Given that the strategy advocated above is significantly different from the draft options that were presented at two public meetings last year, it is suggested that an additional public meeting be held to discuss this approach.

BJ/dkp

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5. *RESIDENTIAL INTENSIFICATION*

5.1 All municipalities and planning boards identify opportunities to increase the supply of housing through better use of existing resources, buildings or serviced sites to meet changing demographic trends and housing demands, and adopt a strategy to make use of those opportunities, by:

a. designating areas in the official plan where each form of Residential Intensification will be permitted;

These uses are to be permitted in areas which meet the following criteria:

i. the physical potential of the existing building stock or previously developed sites can accommodate the identified forms of Residential Intensification;

ii. the existing services can support new households in the affected area; and,

iii. the potential demand for these forms of accommodation, based on the housing needs of the composition of households in the broader community, in relation to the typical characteristics of units which could be produced through the various forms of Residential Intensification, can be demonstrated.

b. including zoning provisions to permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan;

c. adopting policies and development standards for New Residential Development so that alterations to create additional units in new building stock can take place in the future, as needs change within those communities, in keeping with the principles identified in 5.1.a.

APPENDIX 2

24.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 July 5

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: P5-4-2-18

SUBJECT:

Housing Intensification Study
Terms of Reference

RECOMMENDATION

That a request be made to the Ministries of Housing and Municipal Affairs to fund a housing intensification study for the City of Hamilton in accordance with the attached terms of reference.

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Housing intensification involves adding more housing units and consequently allowing more people in existing neighbourhoods. Intensification can take place through redevelopment at higher densities, infilling between buildings and conversion of buildings either from another use or by subdivision.

- The affordable housing issue has been high on the public's agenda for many years. The public sector has taken a number of initiatives such as funding for non-profit housing, tax breaks for new homeowners, rent control and rent review. The economic success of Southern Ontario in recent years has accentuated the housing affordability issue. Housing affordability is the Province's top priority issue.

- The Province is seeking further ways of making housing more affordable. One initiative involves the development of a grant program to encourage municipalities to study housing intensification. Intensification initiatives create the potential for more affordable units. Two funding mechanisms are available for studies. Firstly, the Ministry of Housing provides a 100% grant of up to $12,000 for a needs assessment as a component of the Municipal Housing Statement. Secondly, the Ministry of Municipal Affairs provides a Community Study Planning grant of up to $50,000 at a rate of 75% of the cost of the planning study.

- The City has already carried out or is currently carrying out studies relating to housing intensification.

  1) The update of the Municipal Housing Statement, started at the beginning of 1988 and is scheduled to finish early in 1989. The study is examining the various housing needs of the City including social housing and the needs of the disabled.

  2) The high density residential study started in Spring 1987 and is being finalized. The study examined how higher densities could be introduced into the central area of the City whilst being compatible with the existing urban fabric. A number of important housing intensification recommendations were made including some recommendations for matters to be included in the proposed study. (See Agenda item on High Density Residential Study).

  3) The Central Business District Study is due to start this summer and will finish at the end of 1989. This will include examination of ways of increasing residential development in the downtown area.

  4) The Townhouse Study, which started at the end of 1987, is due to be finished in September. It will look at aspects of townhousing and make recommendations about their future distribution.

  5) A study of Student Housing was carried out by a Task Force, starting in summer, 1987 and has recently been completed. Some issues raised concern housing intensification and have been referred to this study.

  Two other projects by the Social Planning and Research Coundil are also relevant.

  1) The Social Housing Impact Study which documents attitudes to social housing both of those who live in the housing and those who live around the housing. This was completed in March 1988.

  2) The Social Housing Information and Awareness Campaign is starting this summer under the auspices of the Social Housing Action Committee which is a sub-committee of the Social Planning and Research Council. The initial stage will be completed by the end of the year.

ANALYSIS

The City of Hamilton has experienced significant increases in housing costs and a consequent concern about affordability. There are over 1000 households on the Hamilton-Wentworth Housing waiting list. Housing affordability is a key component of quality of life for the citizens of Hamilton. Housing affordability has been recognized as an important contribution to economic growth of the Region. Housing affordability has a significant impact on Government expenditures. Housing intensification offers a possible avenue of easing the current affordability situation.

Over the last decade or so a deintensification trend has been taking place in Hamilton. There are less units and less people living in most neighbourhoods. There appears to be the potential for housing intensification. However, housing intensification must be carefully considered as there are a number of effects. Housing intensification can provide the following advantages:

- more cost effective provision of public services. For example, money can be saved by local government on new trunk sewers, new schools, parks, fire stations, transportation and libraries;
- more customers are available for local businesses and a greater level of service can be conveniently provided in the local area;
- property owners have more options. House owners can adapt their buildings to changing circumstances;
- neighbourhood assessment is increased; and,
- more affordable housing can be provided.

Housing intensification can also create disadvantages:

- a change in appearance of the neighbourhood;
- more demand for public services e.g. - sewers, schools, etc.;
- a more crowded neighbourhood;
- more traffic congestion on the street and a potential adverse parking situation; and,
- a resistance among residents to a different type of people moving into the neighbourhood.

Factors influencing housing intensification are contained in Official Plans, other policy documents such as neighbourhood plans and controls, particularly the zoning by-law. Policies need updating to reflect the current situation and can be developed as part of a housing intensification study. General

zoning provisions for housing as well as specific categories of zoning need to be reviewed. Other initiatives could be the introduction of new forms of housing such as granny flats, demonstration projects for higher densities single housing, conversion advice centre, education and awareness programs, etc.

CONCLUSION

A housing intensification study could help the City achieve social and economic objectives. Generous funding is available from the Province. However, any study must be tailored to Hamilton's existing situation. The outcome of the study must take into account Hamilton's characteristics and views of the public.

A request to the Province for funding for a housing intensification study should be made in accordance with the attached terms of reference.

DG:dkp/cs

WP 0021P

Housing Intensification Study

Terms of Reference

1. INTRODUCTION

The terms of reference form part of a proposal to the Ministries of Housing and Municipal Affairs for a grant application. The terms of reference cover:

- Objectives of the Study;
- Study Approach;
- Public Participation and Technical Support; and,
- Study Timing and costs.

A background report addressed to the Planning and Development Committee is contained in Appendix A.

2. OBJECTIVES OF THE STUDY

- to provide background information and analysis on housing intensification as a basis for developing strategies;
- to determine the appropriateness of housing intensification;
- to develop a series of strategies for housing intensification as a basis for appropriate recommendations; and,
- to implement housing intensification strategies where appropriate.

3. STUDY APPROACH

The study will be undertaken in the following phases:

Phase 1 (BACKGROUND) will record current trends relating to housing intensification, needs and demands, existing planning policies and controls both in the City and other municipalities, and examine current housing intensification initiatives.

Phase 2 (ANALYSIS) will analyse the material from the background phase to establish the potential and constraints for housing intensification.

Phase 3 (STRATEGIES) will develop a series of appropriate strategies for housing intensification by examining options and impacts.

Phase 4 (IMPLEMENTATION) will deal with implemention of the strategies.

PHASE 1 (BACKGROUND)

- affordability trends including price of housing, rentals, mortgage rates, incomes and cost of living indexes. Sources: Stats Canada, CMHC, Real Estate Board.

- review trends in household make-up and formation. Source: 1988 Assessment.

- losses and gains in residential stock through intensification and deintensification by neighbourhood. Source: 1988 Assessment.

- review household projections and current demand for types of dwelling produced through intensification. Source: Municipal Housing Statement Survey and Regional population and household projections.

- review current policies affecting housing intensification in the Official Plan, Neighbourhood Plans and other policy documents.

- review zoning by-law as it relates to housing intensification including site specific amendments and variances, conversions, low and medium density zoning, strip and suburban commercial parking.

- review current regulations affecting intensification e.g. - Building Code.

- review current programs related to intensification.

- review current and recent studies mentioned in Appendix "A" and their findings and status.

- review related literature including Affordable Home Ownership Charrette by the Toronto Home Builders Association, In Your Neighbourhood, by Lewinburg Consultants, Housing Intensification report No. 4 by the Metro Toronto Planning Department and Parking and Accessory Apartments by Marshall Macklin, Monoghan Provincial Guidelines on Housing Intensification and other relevant publications.

- review policies and controls in other municipalities.

- meet with Ministry officials and others involved in housing intensification to record current ideas and initiatives.

PHASE 2 (ANALYSIS)

- analyze policies and controls in other municipalities.

- analyse the existing affordability situation in relationship to the past.

- analyse the existing potential for housing intensification using the projected demand from changes in household nature and projected supply.

- analyse the current policies and whether they address present housing intensification needs.

- analyse the impediments to housing intensification in the control mechanisms including zoning by-law, building code, other regulations.

- analyse the applicability of various initiatives and ideas to Hamilton.

- analyse the need to implement current strategies.

A background document will be prepared to cover background and analysis.

PHASE 3 (ISSUES AND STRATEGIES)

- identify issues around parking, traffic, overcrowding, impacts on streetscape, social aspects, impact on services, maintenance value, etc.

- develop strategy options using background and analysis.

- assess impact of various strategy options.

- recommend appropriate strategies and identify implmenting groups.

- meetings with key groups and agencies will be held. A workshop and public meeting will be held. Outstanding issues will be resolved.

PHASE 4 (IMPLEMENTATION)

- carry out the necessary strategies. For example - policy changes, changes to the zoning on a general or areawide basis, educational initiatives, home sharing demonstration projects, etc.

- a public meeting of the Planning and Development Committee will be held. Council will endorse appropriate proposals.

PUBLIC PARTICIPATION AND TECHNICAL SUPPORT

The study will be undertaken by the Hamilton-Wentworth Region Planning and Development Department who advise the City of Hamilton on planning matters. Part of the study will be funded (about $20,000) by the City through their annual planning budget. The remaining part will be funded through a $12,000 grant from the Ministry of Housing and about a $50,000 grant from the Ministry of Municipal Affairs. City money will be used to provide allocations for in-house staff and administrative services. The Manager of the Neighbourhood Section will co-ordinate the study. The Director of Local Planning and the Managers of the Development and Policies Sections will participate throughout the study.

Ministry money will be used to hire planning staff to carry out the work and to produce publications.

A technical steering committee will be set up and include:

- a representative from the Ministry of Housing;
- a representative from the Ministry of Municipal Affairs;
- a representative from the Region of Hamilton-Wentworth Planning and Development Department;
- a representative from the Region of Hamilton-Wentworth Housing Policy Group;
- a representative from the Community Development Department;
- Director of Local Planning; and,
- a representative from the Social Planning Council.

The Steering Committee will meet approximately 10 times during the study.

The Traffic, Building and other Departments will be invited when appropriate. The study will include meetings with key groups and agencies throughout the process. Interested groups will be kept informed through notices, minutes and information packages. The study will also include a workshop and public meeting during Phase 3 to refine strategies. Workshop participants will include politicians and representatives from the concerned groups:

- Hamilton Real Estate Board;
- Chamber of Commerce;
- Central Area Plan Implementation Committee;
- Hamilton and District Home Builders Association;
- Neighbourhood Assocations.
- Social Housing Action Committee (a sub-committee of the Social Planning and Research Council concerned with affordable housing)

DG/dkp/cs

WP 0021P

HOUSING INTENSIFICATION STUDY

Staffing and Costs

		Days	Cost $
Phase 1	BACKGROUND		
	Director	2	600
	Manager	5	1,190
	Planner 1	10	1,890
	Planner 3	60	9,240
	Student	60	8,100
		137	21,020
Phase 2	ANALYSIS		
	Director	2	600
	Manager	10	2,380
	Planner 1	25	4,725
	Planner 3	25	3,850
		97	11,555
Phase 3	STRATEGIES		
	Director	3	900
	Manager	15	3,570
	Planner 1	40	7,560
	Planner 3	40	6,120
		98	18,150
Phase 4	IMPLEMENTATION		
	Director	3	900
	Manager	10	2,380
	Planner 1	50	9,450
	Planner 3	50	7,700
		113	20,430
		445	71,155
Cartographic/Technical Support			5,000
Printing/Secretarial/Adminstration			7,000
			$12,000
		TOTAL	$83,155

APPENDIX 3

HOUSING INTENSIFICATION STUDY

CHRONOLOGY OF EVENTS

1.	July 26, 1988	Council resolution that a request be made to the Ministries of Housing and Municipal Affairs to fund a housing intensification study for the City of Hamilton in accordance with the Terms of Reference.
2.	January 23, 1989	Housing Intensification Study Grant approved by the Ministry of Housing.
3.	February 6, 1989	First Technical Steering Committee Meeting.
4.	February 17, 1989	Survey of other municipalities' policies and regulations on Residential intensification sent out.
5.	March 16, 1989	Second Technical Steering Committee Meeting.
6.	April 20, 1989	Third Technical Steering Committee Meeting.
7.	May 10, 1989	Planning and Development Committee authorized the circulation of a Housing Intensification Neighbourhood Survey.
8.	June 22, 1989	Fourth Technical Steering Committee Meeting.
9.	June 28, 1989	Neighbourhood survey mailed to approximately 1,600 single and two-family residences in the Beasley/Central, Homeside and Bruleville neighbourhoods.
10.	September 7, 1989	Fifth Technical Steering Committee Meeting.
11.	October 12, 1989	Sixth Technical Steering Committee Meeting.
12.	November 15, 1989	Seventh Technical Steering Committee Meeting.
13.	December, 1989	Housing Intensification Study - Study Background Report published.
14.	December 14, 1989	Housing Intensificiation Workshop held to discuss various strategies for housing intensification.
15.	February 12, 1990	Eighth Technical Steering Committee Meeting.

16.	March 1990	Housing Intensification Study - Survey and Analysis Report published.
17.	March 9, 1990	Ninth Technical Steering Committee Meeting.
18.	March to November 1990	Submissions received from the public by the Planning and Development Department.
19.	May 23, 1990	The Planning and Development Committee authorized public meetings to discuss housing intensification.
20.	June 20, 1990	Notice of Public Meetings authorized by the Planning and Development Committee to discuss Housing Intensification mailed to Housing Intensification Study Mailing List.
21.	July 5, 1990	First notice of Public Meeting appeared in the Hamilton Spectator.
22.	July 10, 1990	Second notice of Public Meeting appeared in the Hamilton Spectator.
23.	July 11, 1990	First public meeting authorized by the Planning and Development Committee held in Council Chambers to present Housing Intensification Study Draft Options. About 400 people attended.
24.	August 21, 1990	Notice of second public meeting mailed to everyone on the Housing Intensification Study Mailing List.
25.	September 4, 1990	First notice of second public meeting appeared in the Hamilton Spectator.
26.	September 11, 1990	Second notice of second public meeting appeared in the Hamilton Spectator.
27.	September 12, 1990	Second public meeting authorized by the Planning and Development Committee held at Hamilton Convention Centre to present Housing Intensification Study Draft Options. Over 600 people were in attendance.

SUBMISSIONS LIST

APPENDIX 4

David Benallick
240 Park Row South
Hamilton, Ontario
L8K 2K5

Gary and Maureen Blake
81 Blake Street
Hamilton, Ontario
L8M 2S7

Mrs. J. E. Blakeman
21 Crosthwaite Ave. North
Hamilton, Ontario
L8H 4V1

Mr. and Mrs. S. Bowles
31 Barons Ave. North
Hamilton, Ontario
L8H 5A3

Ian Branston
296 Huxley Avenue South
Hamilton, Ontario
L8K 2R4

Lois Brown
206 Maplewood Ave.
Hamilton, Ontario
L8M 1X8

Mrs. M. Buntain
37 Barons Ave. North
Hamilton, Ontario
L8H 5A3

Eric Campbell
274 Robert Street
Hamilton, Ontario
L8L 2Z2

Heather A. Chisholm-Pace
38 Fairleigh Ave. S.
Hamilton, Ontario
L8M 2K2

Mrs. Joan Coulthard
88 Gage Ave. S.
Hamilton, Ontario
L8M 3C9

Mrs. Stella Craig
89 Houghton Ave. South
Hamilton, Ontario
L8K 2M9

Evelyn Fitzsimons
63 London Street South
Hamilton, Ontario
L8K 2G4

Charles H. Forsyth
200 Main Street East
Hamilton, Ontario
L8N 1H3

Michaelene and Helen Galan
78 Gage Ave. South
Hamilton, Ontario
L8M 3C9

Carmen Galbraith
165 Balsam Ave. S.
Hamilton, Ontario
L8M 3B7

H. Greaves
30 Barons Ave. South
Hamilton, Ontario
L8K 2Y2

Neil and Kathleen Hagan
123 Maplewood Ave.
Hamilton, Ontario
L8M 1X1

Hamilton and District Home
Builders' Assoc.
1112 Rymal Road East
Hannon P. O. Box 188
Hamilton, Ontario
L0R 1P0

Mr. and Mrs. E. Hmiel
50 Erie Ave.
Hamilton, Ontario
L8N 2W6

Richard Hogg
91 Cope Street
Hamilton, Ontario
L8H 5B1

Housing Help Centre
135 Rebecca Street
Hamilton, Ontario
L8R 1B9

Kathleen Kennedy
28 Hilda Ave.
Hamilton, Ontario
L8M 3E6

Landlords of Ward 3

Murray R. Lawrence
16 Avalon Place
Hamilton, Ontario
L8M 1R3

Mrs. Elena Lazar
77 Barnesdale Blvd.
Hamilton, Ontario
L8M 2V5

Mr. and Mrs. B. Levey
36 Barons Ave. North
Hamilton, Ontario
L8H 5A2

Mrs. M. MacDougall
154 Grant Ave.
Hamilton, Ontario
L8N 2X7

Don Marranca
27 Province Street South
Hamilton, Ontario
L8K 2K7

E. and H. Marshall
210 Maplewood Ave.
Hamilton, Ontario
L8M 1X8

Miss B. McAllister
219 Maplewood Ave.
Hamilton, Ontario
L8M 1X9

Mr. and Mrs. G. McIntyre
33 Barons Ave. North
Hamilton, Ontario
L8H 5A3

Brian and Gail McKeegan
151 Province Street South
Hamilton, Ontario
L8K 2L2

Sarah Kimball
McMaster Students Union
Hamilton Hall
McMaster University
Hamilton, Ontario
L8S 4K1

L. Miller
60 Fairleigh Ave. North
Hamilton, Ontario
L8L 6H2

Warren and Joyce Mills
117 St. Clair Ave.
Hamilton, Ontario
L8M 2N8

Mrs. H. P. Morski
168 Wentworth St. South
Hamilton, Ontario
L8N 2Z2

John Nixon
20 Province Street South
Hamilton, Ontario
L8K 2K6

R. D. Owen
135 Balsam Ave. S.
Hamilton, Ontario
L8M 3B6

Les Petford
151 Graham Ave. South
Hamilton, Ontario
L8K 2M5

Joseph Rapsavage
52 Proctor Blvd.
Hamilton, Ontario
L8M 2M4

Residents of Cedar Avenue
c/o Frank and Alice Higgins
32 Cedar Ave.
Hamilton, Ontario
L8M 3A5

Residents of Province Street

Mrs. Marjorie Rossi
85 Gage Ave. South
Hamilton, Ontario
L8M 3C8

G. and J. Rutten
62 Fairleigh Ave. South
Hamilton, Ontario
L8M 2K2

Mrs. Anna Schneider
and Ms. Mary Schneider
41 Fairleigh Ave. North
Hamilton, Ontario
L8L 6H1

Mr. and Mrs. Schriener
259 St. Clair Blvd.
Hamilton, Ontario
L8M 2P3

Pearse and Molly Shannon
14 Fairleigh Cres.
Hamilton, Ontario
L8M 2K9

Jean Simpson
27 Huxley Avenue North
Hamilton, Ontario
L8H 4P1

Social Planning and Research Council
155 James Street South
Hamilton, Ontario
L8P 3A4

Barbara Staunton
151 Wentworth Street South
Hamilton, Ontario
L8N 2Z1

Margaret Thomson
54 Ontario Ave.
Hamilton, Ontario
L8N 2X2

Mrs. Susan Tyo
61 Houghton Ave. North
Hamilton, Ontario
L8H 4L3

Cliff and Ruth Vanderveen
263 Province Street South
Hamilton, Ontario
L8K 2L6

Mr. and Mrs. E. Veenstra
164 Wentworth Street South
Hamilton, Ontario
L8N 2Z2

Victoria Order of Nurses
H. R. Grant
414 Victoria Ave. North
Hamilton, Ontario
L8L 5G8

Kathy Vogel
110 Sanford Ave. South
Hamilton, Ontario
L8M 2G8

Ward 4 - Committee of Concerned Citizens
c/o Barbara Marshall
257 Graham Avenue South
Hamilton, Ontario
L8K 2M7

Mrs. Stephanie Wylie
69 Crosthwaite Ave. North
Hamilton, Ontario
L8H 4V3

APPENDIX 5

HOUSING INTENSIFICATION STUDY

SUMMARY OF SUBMISSIONS

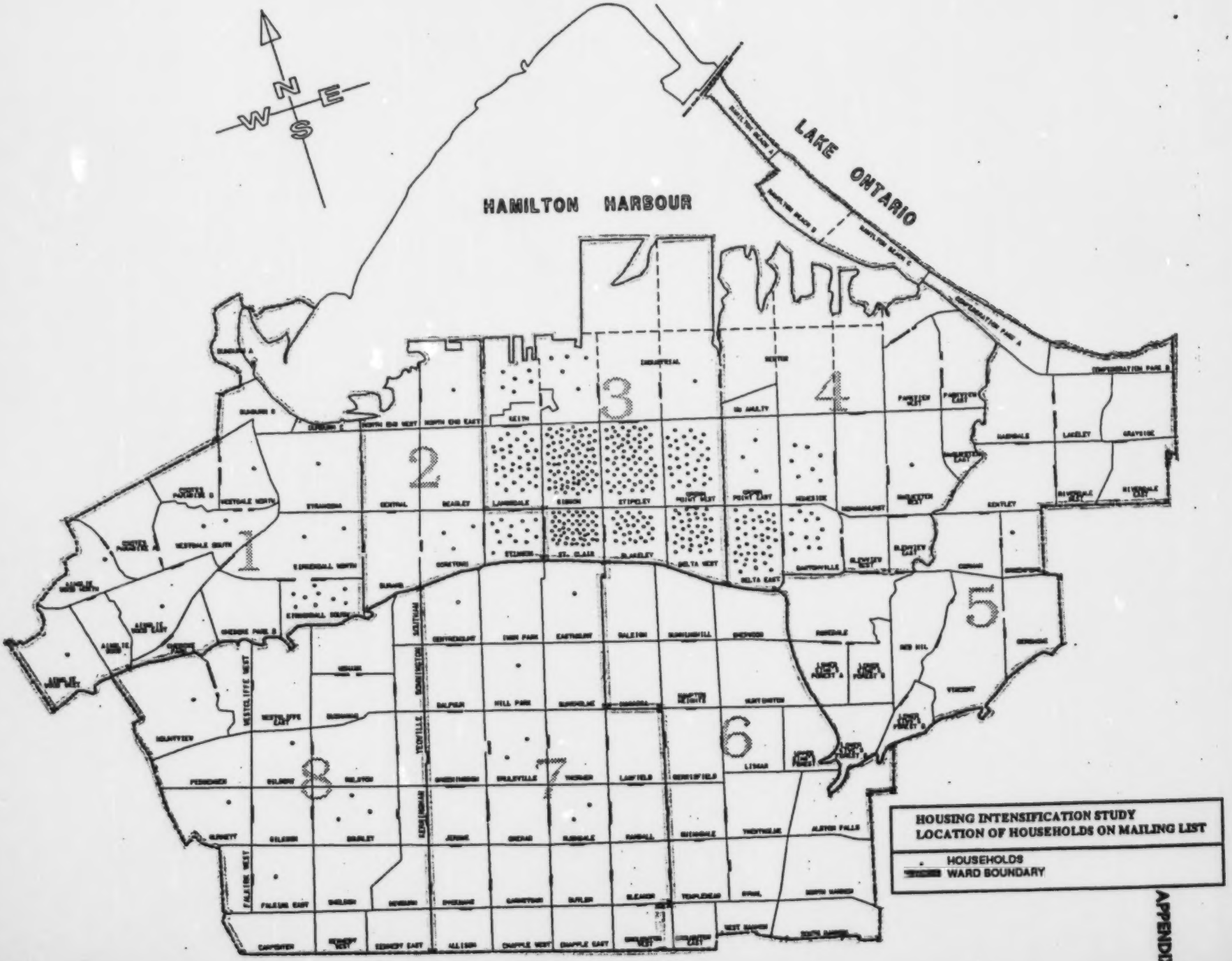
October, 1990

CONCERN / ISSUE / IDEA	SUBMISSIONS		KEY SUBMISSIONS					
	# of comments (of 60 total)	% of total	Citizens for Citizens-Ward 3	Committee of Concerned Citizens-Ward 4	Wentworth Stinson Group	Landlords of Ward 3	Housing Help Centre	Social Planning & Research Council
Too many (illegal) conversions	38	63%	X	X	X			
Parking	36	60%	X	X	X	X	X	X
Lack of enforcement of City by-laws	30	50%	X	X	X		X	X
Absentee landlords	28	47%	X	X				
Noise	26	43%						
Garbage / Property maintenance	24	40%	X	X				
Traffic	22	37%			X			
Tenants do not care about neighbourhood	18	30%						
Minimum unit size should not decrease to 40m2 (431 sq.ft)	18	30%	X	X				
Increase in crime and vandalism	17	28%	X					
Loss of trees and greenspace (esp. to front lawn pkg.)	16	27%	X		X		X	
Should remove pre-1940 age requirement	16	27%	X	X	X	X **	X	
Safety (especially fire)	14	23%	X	X		X		
Facades / Appearance	14	23%	X				X	
Conversions do not create affordable housing	14	23%	X	X	X			X***
Overcrowding / Loss of privacy	12	20%	X				X	
Strain on infrastructure	10	17%	X	X				X
Community participation needed	10	17%	X			X	X	X
Taxes should increase for converted dwellings	9	15%	X	X				
Moratorium required on pre-1940 homes	6	10%	X	X				
Loss of single family homes / loss of housing mix	5	8%	X		X			
Loss of playing space for children (inside and out)	5	8%	X					
Converted units require separate & adequate utilities	5	8%	X			X		
Need inventory of conversion, infill, & redev't potential	5	8%	X	X				
Supports innovative housing	5	8%	X				X	
More conversion of comm. space & resid'l above comm.	5	8%				X	X***	X
Survey was not representative of the City	4	7%	X	X				
Conversions lower property values	3	5%						
Better chance for home ownership	3	5%				X		
Equal intensification over entire Region	3	5%					X	
Closing down illegals would put many out of a home	3	5%						X
Proper ventilation needed in all units	2	3%	X			X		
Arterial roads best suited for high density	2	3%				X		
Owner occupancy should be condition of conversion	2	3%						
Supports financial incentives for affordable intensification	2	3%					X	X
Against cash-in-lieu of affordable housing	1	2%		X				
Smaller apartments are needed	1	2%				X		
Increasing taxes would increase rents	1	2%				X		
Increase in house prices because of conversions	1	2%	X					
Need amnesty for all landlords of illegal conversions	1	2%				X		
Supports cash-in-lieu of affordable housing	1	2%					X	
Suggests a demonstration project for intensification	1	2%					X	
Public education program needed	1	2%						X
Suggests limits to conversion density per neighbourhood	1	2%						X
Remove age restriction for front yard parking (1971)	1	2%						X
Should be no minimum unit size	1	2%						X
Suggests site office for planning and building staff	1	2%						

* Suggests that minimum unit size be 50m2

** Suggests that age requirement be extended in 5 year intervals

*** Should ensure affordability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LAKE ONTARIO
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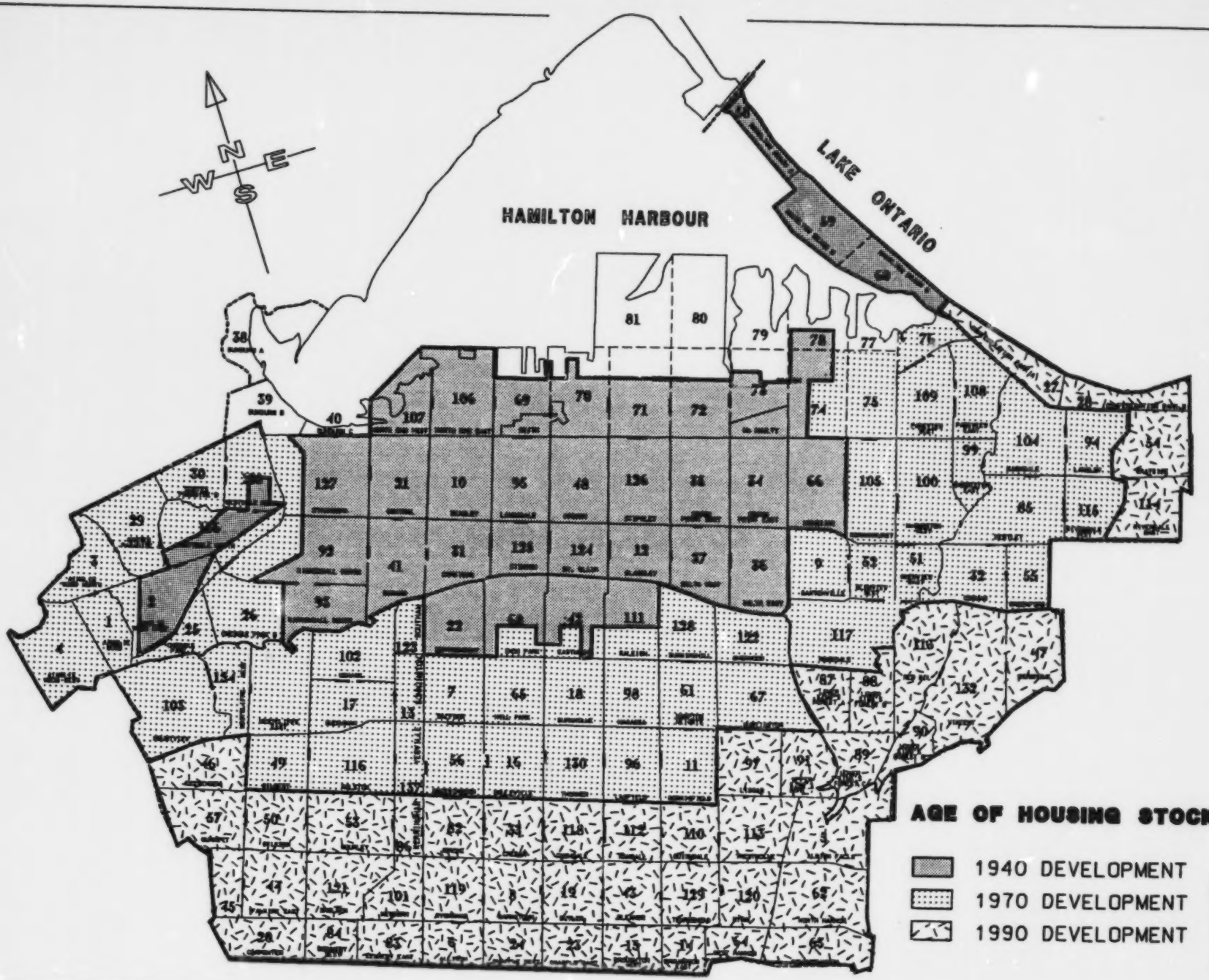
HOUSING INTENSIFICATION STUDY
LOCATION OF HOUSEHOLDS ON MAILING LIST
HOUSEHOLDS
WARD BOUNDARY

APPENDIX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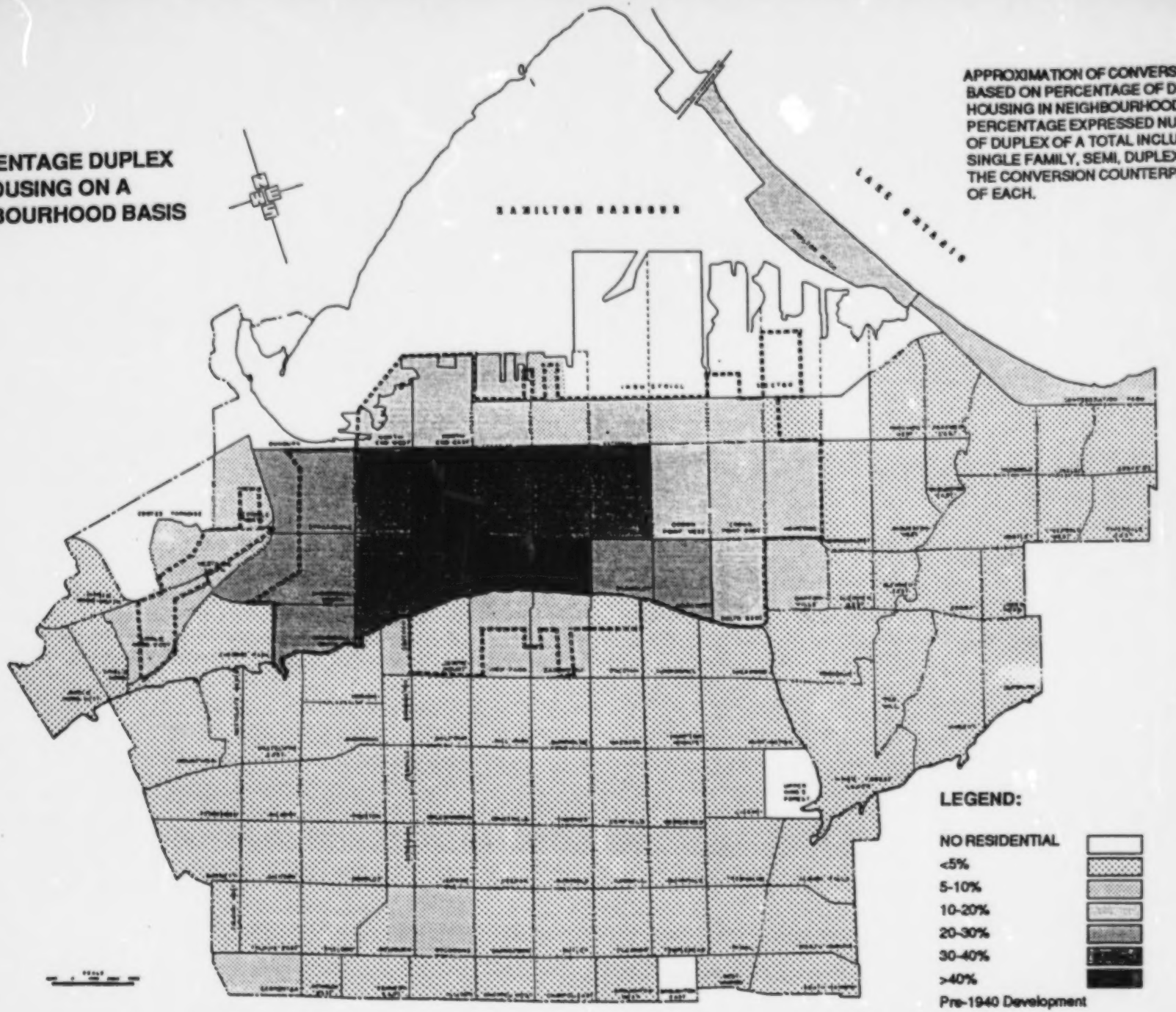
HAMILTON HARBOUR
LAKE ONTARIO
AGE OF HOUSING STOCK
1940 DEVELOPMENT
1970 DEVELOPMENT
1990 DEVELOPMENT

Appendix 7a

Appendix 7b

PERCENTAGE DUPLEX HOUSING ON A NEIGHBOURHOOD BASIS


HAMILTON HARBOUR
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APPROXIMATION OF CONVERSIONS BASED ON PERCENTAGE OF DUPLEX HOUSING IN NEIGHBOURHOOD. PERCENTAGE EXPRESSED NUMBER OF DUPLEX OF A TOTAL INCLUDING SINGLE FAMILY, SEMI, DUPLEX, AND THE CONVERSION COUNTERPART OF EACH.
LEGEND:
NO RESIDENTIAL
<5%
5-10%
10-20%
20-30%
30-40%
>40%
Pre-1940 Development

SUPPLY AND DEMAND:
RESIDENTIAL CONVERSIONS IN HAMILTON

DEMAND

	Single-detached	Rowhouse	Apt/Plex	Total
# units needed to 1995*	2064	636	1986	4686
# units needed per year	344	106	331	781
% of total need	44%	14%	42%	100%

SUPPLY

Total # post 1940 singles & semis>1400sq.ft**	# expected conversions over 5 years (at 6%***)	# expected annual conversions	# of apt/plexes needed per year
9525	572	114	331

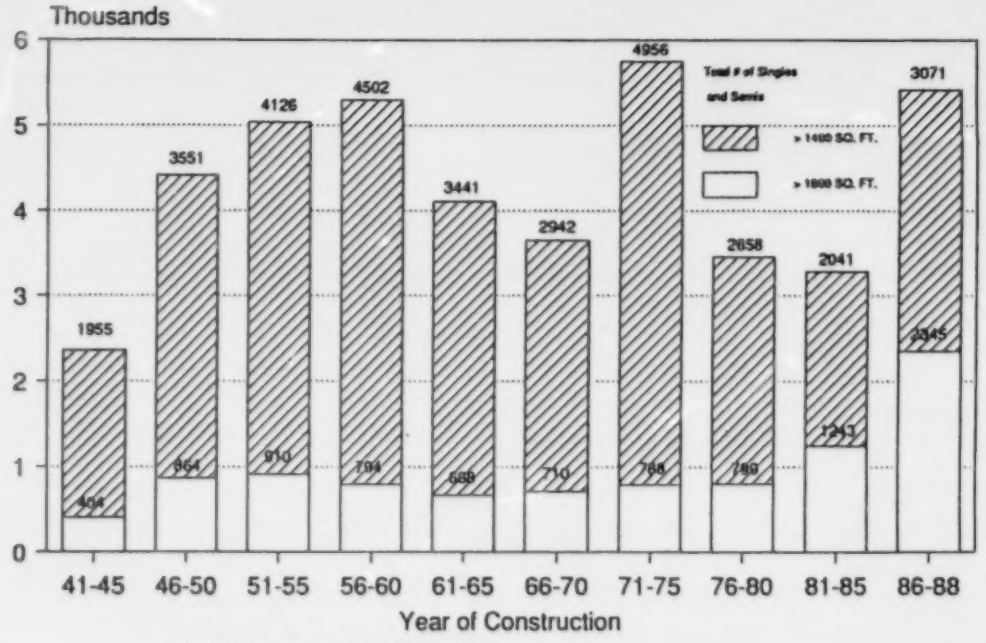
Total # post 1940 singles & semis > 1100sq.ft	# expected conversions over 5 years (at 6%***)	# expected annual conversions	# of apt/plexes needed per year
35000	2100	420	331

*From preliminary work for City of Hamilton Housing Statement

** City of Hamilton Municipal Building Profile (1986)

*** The probability of a homeowner converting is from a study by Environics Research Group, Volume 5, "The Supply Process," Study of Residential Intensification and Rental Housing Conservation, which was prepared for the Ontario Ministry of Municipal Affairs and Housing and the Association of Municipalities of Ontario in 1983.

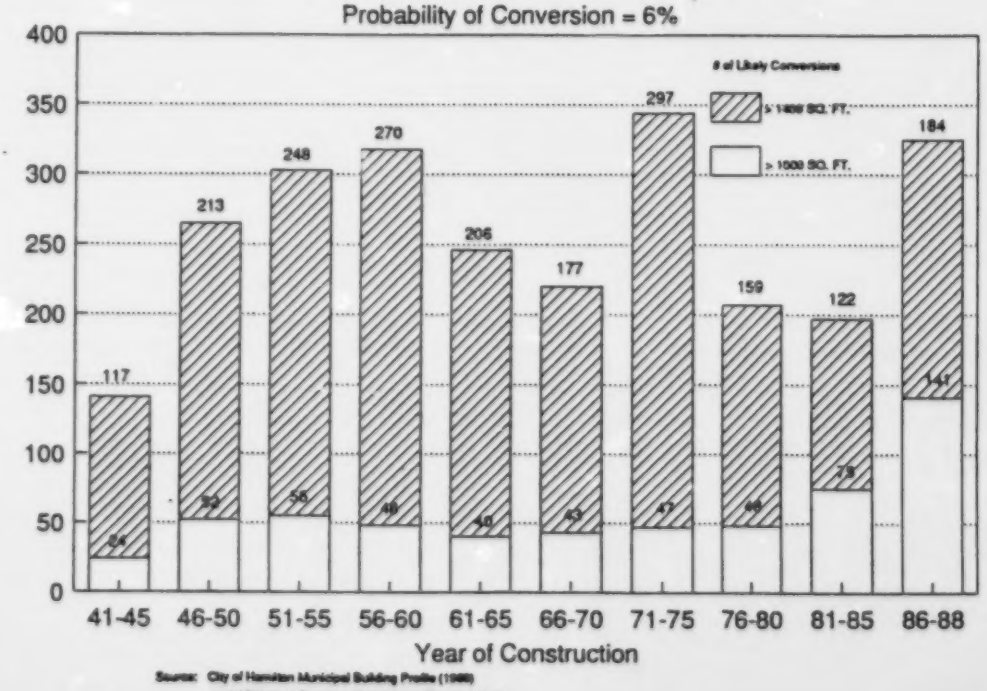
TOTAL # OF POST-1940 SINGLES AND SEMIS > 1000 SQ. FT.



Source: City of Hamilton Municipal Building Profile (1988) and Ministry of Revenue, Assessment Division (1988).

EXPECTED # OF CONVERSIONS
SINGLES AND SEMIS > 1000 SQ. FT.

Probability of Conversion = 6%



Source: City of Hamilton Municipal Building Profile (1988) and Ministry of Revenue, Assessment Division (1988).

APPENDIX 10

TERMS OF REFERENCE

COMMUNITY BASED PILOT PROJECT ON HOUSING INTENSIFICATION

INTRODUCTION

- Housing intensification strategies offer opportunities to provide housing to fit the communities needs.

- A Provincial Policy Statement outlines a framework for housing intensificiation. The Housing Intensification Study for Hamilton addresses City-wide issues.

- Neighbourhood level issues, street issues and individual issues need to be dealt with at a local level. This fits in with the community based approach advicated by the Province and the neighbourhood planning approach used by the City.

- Two areas have been identified to be the focus of the pilot project - St. Clair/Blakeley and Delta East and West. These areas exhibit high levels of both housing intensification and concern about the issue.

- Neighbourhood groups need to be formed to work towards consensus on issues. The groups will be balanced to represent different points of view. This will contain landlords and tenants as well as resident owners.

- The initial group meetings will be orientational and educational. Subsequently a work program will be established. Finally, the work program will be undertaken and evaluated.

- Housing intensification based on owner occupancy, will reduce neighbourhood concerns, however, in areas which already have a higher level of conversions, a neighbourhood group can be established to address concerns and problems.

- A Committee will be a form for mediation where necessary, where individual activities important to the neighbourhood.

PROCESS

Phase 1 Setting up Neighbourhood Groups (2 months)

Neighbourhood groups could be set up by Council and be co-ordinated by the Planning and Development Department in much the same way as neighbourhood planning advisory groups operate when preparing a neighbourhood plan. During neighbourhood planning exercises there are very often a number of side issues of parking maintenance, etc. and these could become the focus of the new groups. The Building Department would play a key role, and other departments could help the group as necessary.

An introductory letter about the pilot project will be sent to each owner and tenant. Applications for group membership will be invited. Members will be appointed by the Planning and Development Committee.

Phase 2 Orientation and Education (3 months)

Presentations will be made by various organizations - Ministry Staff, City Staff, affordable housing groups, neighbourhood groups, etc. Background information will be provided. Issues will be discussed.

Phase 3 Work Program (1 month)

The neighbourhood group will establish a work program including priorities in conjunction with resource staff who would carry out the work.

Work of the Committee should address the following:

(i) Information collection

- population, use of dwellings, condition of dwelling, parking, traffic, yard maintenance, development potential.

- attitude survey similar to the ones carried out in Central/Beasley, Homeside and Bruleville.

(ii) Analysis

- identifying illegal units, non-assessed units, parking and traffic issues, maintenance concerns and other neighbour concerns.

(iii) Strategies

- traffic and parking, (e.g. stop signs, speed restrictions, use of alleyways, front yard parking, boulevard parking, permit parking, creating additional parking space, enforcement, etc.).

- potential areas for redevelopment, infill and conversions.

- acting as a watchdog on emerging issues.

- information dissemination and education, (e.g. public meetings, news sheets, information bulletins).

(iv) Actions

- targetting key illegal units and dealing with them on an individual basis (e.g. enforcement, tenant relocation, legalization, publicity about improvement programs such as Ontario Home Renewal Program and Convert to Rent).

- targetting key maintenance issues, and dealing with them on an individual basis (e.g. enforcement, discussions between landlords and the neighbourhood group, etc.).

- dealing with neighbour problems, (e.g. mediation, discussions between landlords/tenants and the neighbourhood group, referral to Police, Noise Control Officer, Property Standards Officer, etc.).

- making representation on development applications, (e.g. committee of adjustment, zoning, boulevard parking, etc.).

- mediation between residents, property owners, City and tenants, when appropriate.

Phase 4 Implementation (8 months)

Work would be undertaken and reviewed by the neighbourhood group. A final report documenting and evaluating the project would be prepared by the Planning and Development Department.

FUNDING

Provincial funding resources are needed as soon as possible to take action on as many areas as possible. A terms of reference for each group should be set up and reviewed by the group to clarify objectives. Groups should then discuss priorities, (e.g. between surveys and enforcement).

Grants under the Ministry of Housing's 'Neighbours' Program should be directed to the two areas where concerns are strongest and where the neighbourhood problems are most acute:

- Blakeley/St. Clair
- Delta East and West

Pilot Neighbourhood projects including neighbourhood committees should thus be set up with Provincial funding. The neighbourhood committee approach is educational in itself. The Province is looking for potential Pilot projects and it would be appropriate for the City of Hamilton to be at the leading edge of solutions for housing intensification.

Further projects, based on the experience of the pilot projects could be directed to:

- Gibson
- Stipeley
- Landsdale
- Crown Point East

ADMINISTRATION

Committees must be representative of neighbourhoods and include tenants and landlords as well as owner occupiers to encompass all points of view to enable them to deal sensitively with all situations. Committees could work with staff and aldermen to resolve issues locally and give advice through the Planning and Development Committee in accordance with the Terms of Reference.

The neighbourhood groups will report to the Planning and Development Committee. The Planning and Development Department would co-ordinate the group. Other departments, e.g. Building, Traffic, Public Works would be called in as necessary.

TIME SCHEDULE

	St. Clair/Blakeley Project	Delta East/West Project
Phase 1	September - October	January - February
Phase 2	November - January	March - May
Phase 3	February	June
Phase 4	March - October 1992	July - February 1993

STAFFING AND COSTS	St. Clair/Blakeley Staffing $	Delta East/West Staffing $
Phase 1 (2 months)	2,000	2,000
Phase 2 (3 months)	10,000	10,000
Phase 3 (1 month)	3,000	3,000
Phase 4 (8 months)	40,000	40,000
Total	55,000	55,000
Cartographic/Technical Support		10,000
Printing/Secretarial/Administrative		20,000
Overall cost of project		140,000

HOUSING INTENSIFICATION STUDY

DRAFT OPTIONS

The Technical Steering Committee recommended that these draft options be presented at the public meeting. On May 23 1990, the Planning and Development Committee for the City of Hamilton authorized a public meeting to discuss the draft options.

May 1990

Planning and Development Department Region of Hamilton Wentworth

OFFICIAL PLAN AMENDMENTS

That the Official Plan be amended to include housing intensification policies as part of the implementation of the Provincial Housing Policy. Policies should cover:

(a) general housing intensification policies for redevelopment, infill and conversions,

(b) policies for conversions reflecting the proposed zoning changes and other initiatives proposed in this study,

(c) criteria for the Committee of Adjustment in deciding on residential conversions including the beneficial effect of owner occupancy.

- Official Plan policies for housing intensification are required by the Provincial 'Land Use Planning for Housing' policy and should reflect the final recommendations of the Housing Intensification Study. This work is being carried out as a separate study by the Planning and Development Department.

HOUSING INTENSIFICATION IN AREA MUNICIPALITIES

That the Region be requested to encourage the area municipalities to carry out housing intensification studies.

- The Region should encourage the area municipalities to take a fair share of housing intensification and the Region include such policies in their Official Plan.

NEIGHBOURHOOD PLANS

That neighbourhood plans identify areas suitable for residential intensification and conversions in particular.

- areas appropriate for conversions and areas where the public desire to be able to convert can be considered as part of the neighbourhood plan process.

HIGH DENSITY STUDY FOLLOW-UP

That the Council recommendations from the High Density Residential Study be followed up by the Planning and Development Department. (See appendix for recommendations related to residential intensification.)

- A number of outstanding issues remain to be dealt with from the High Density Residential Study, the recommendations of which were referred to the Planning and Development Department.

APPEARANCE CRITERIA FOR CONVERSIONS

That the Planning and Development Department in conjunction with the Building Department develop criteria to assist in interpreting the Zoning By-law requirement that no change of appearance should take place as a result of conversions under Section 19(v).

- Criteria would help determine what constitutes a change in appearance.

RESIDENTIAL COMPONENT

That consideration be given to requiring residential use as part of a commercial development where new areas are zoned or designated for commercial use and;

That policies be prepared that would address the requirements for residential components as parts of commercial development.

- This would provide an opportunity for the private sector to construct affordable housing. This technique is being used in the proposed development at Rymal and Gage.

CASH IN LIEU OF AFFORDABLE HOUSING

That the possibility of cash in lieu of affordable housing requirements be used for Non-Profit Housing be investigated.

- This would allow flexibility for the location and type of housing. (e.g. development in or near the downtown area)

CONVERSIONS

(a) That the Zoning By-law requirement in Section 19 be changed from allowing conversions in dwellings prior to July 25, 1940 to allow conversions in dwellings erected prior to July 25, 1945, with a view to extending conversions a further five years in the future.

That the impact of the zoning change be monitored prior to extending conversions to further areas, including property value research.

- Conversions should be broadened to post 1940 areas of the City, but at a pace which can be monitored. This will take the pressure off the pre-1940 areas.

(b) That the Zoning By-law requirement in Section 19 be changed to allow conversions to dwelling units fronting onto arterial roads (Map 1) without any age restriction but subject to other conversion requirements.

- Opening up conversions further on arterial roads will take the pressure off interior parts of neighbourhoods. Higher densities on the periphery of neighbourhoods are already encouraged and people who live on the edge of neighbourhoods are usually more tolerant of adverse environmental conditions, e.g. traffic noise.

(c) That the Zoning By-law requirement in Section 19 be changed from requiring a minimum unit size of 65 square metres (700 sq. feet) to a 65 square metre average with a minimum of 40 square metres (431 sq. feet).

(d) That the Zoning By-law requirement in Section 14 for the 'H' classification be changed to allow conversions up to 10 units providing the building existed prior to March 8, 1983 as long as the ground floor frontage remains in commercial use and subject to parking requirements.

- This would open up conversions in commercial strips. Conversions up to 10 units are currently permitted without parking requirements at 180 metre (600 feet) separations. Additional residents would help the economy of commercial strips. Extra dwelling units in strip commercial areas usually provides accommodation on the periphery of neighbourhoods which is desirable. Continuous commercial use at the ground floor level is usually desirable to maintain the strength of the commercial strip.

ZONING CATEGORY REVIEW

That the Planning and Development Department review the following zoning categories with a view to residential intensification:

"H"	(Community Shopping and Commercial)	"I"	(Central Business)
"HI"	(Civic Centre Protected)	"CR"	(Commercial/Residential)
"DE"	(Low Density Multiple Dwelling)	"RT"	(Townhouse)
"B", "C", "D", and "R"	(Single Family)	"G4"	(Designed Neighbourhood)

(Including an examination of standardizing the area calculations of extensions for residential conversions)

and that other commercial categories which do not permit residential currently be also reviewed. Particular attention should be paid to Central Area zones since the Central Area Plan calls for higher residential densities in and around the downtown.

- There appears to be scope for housing intensification in these zoning categories.

CHANGE TO 'I' (CENTRAL BUSINESS DISTRICT) ZONING

That the Zoning By-law be changed to permit residential densities in accordance with "CR-3" (Commercial Residential) zoning providing Non-Residential uses be retained at the ground level.

- This will allow densities up to about 3 times coverage rather than the approximately one times coverage in the downtown areas zoned "I". Non-Residential uses are desireable at the ground floor level, eg. Commercial, Residential. This is in accordance with the Central Area Plan which calls for higher residential densities in the Central Area.

CREATION OF NEW ZONES TO PERMIT ACCESSORY APARTMENTS

That the Zoning By-law be amended to include sub-categories for the low density residential zones "B", "C", "D", and "R" (low density residential zones) but permitting duplex dwellings/accessory apartments, eg. "Bc".

- This would allow more housing intensification where new zoning is applied and more flexibility for owners.

ZONING AMENDMENT FOR LODGERS

That the zoning by-law be amended to reflect consistent requirements for lodgers in residential zones.

- some commercial districts do not allow lodgers in a single family dwelling despite the fact that residential use is permitted (ie. "H" District)

PRIDE PROGRAMS

That the Beasley/Central PRIDE (Neighbourhood Improvement) program (with a housing intensification component) proceed as planned.

- The Central Area Plan gives priority to the improvement of Central Area Neighbourhoods and residential intensification is desirable near the downtown.

FINANCIAL INCENTIVES

That a review be made to see if financial incentives could be enhanced to encourage housing intensification.

- Financial inducements may be able to be used to encourage further housing intensification, e.g. grant/loan programs.

NEIGHBOURS PROGRAM STUDY

That the Planning and Development Department prepare terms of reference for a "Neighbours" program to include public education on housing intensification as follows:

- o various forms of sharing in existing residential units;
- o creation of new self-contained units in existing residential buildings;
- o conversion of non-residential space to residential use; and,
- o residential infill or redevelopment on underdeveloped lots.

More research and information needs to be provided and presented to the Community.

INNOVATIVE HOUSING STUDY

The City of Hamilton undertake a study of innovative housing designs and layouts that would allow housing intensification; e.g., Granny flats, "Charlie" housing that allows single-family housing to easily be duplexed, Toronto Home Building charette housing, Mississauga (Trelawney) concept housing by

- o reviewing literature;
- o examining examples of current innovative housing;
- o examining older areas to see if concepts can be adapted to new housing;
- o assessing the feasibility of a new zoning category for smaller lot singles (i.e. in the 20' to 30' frontage range).
- o modifying regulations and taking other actions to expedite innovative housing;
- o sponsoring innovative housing developments.

- Innovative housing offers alternative accommodations which may be desired by sections of the public and be acceptable to the community.

TRANSPORTATION / PARKING STUDY

That a terms of reference for a study to be undertaken by the Traffic and Planning Departments be drawn up. The study would consider the following items in the context of housing affordability, social needs, parking, modes of transportation and environment

- o existing and projected car ownerships for various areas in the city including the Central Area;

- o change in trip generation and car ownership as a result of conversions from single family housing to accessory apartments;

- o impacts of conversion on front yards, boulevards and street parking;

- o alternative forms of neighbourhood parking, for e.g. rear alleyways, community parking lots and parking facilities for other uses.

- o parking requirements in the Central Area to encourage mixed use development in accordance with the Central Area Plan.

- More research is required to examine the parking issue in relation to conversions, redevelopment and infill.

RESIDENTIAL INTENSIFICATION INVENTORY

The Planning and Development Department carry out the following work.

- o prepare a comprehensive documentation of publicly owned lands suitable for residential development and housing intensification,

- o extend the Central Area analysis carried out for this study to the remainder of the city to examine conversion, infill and redevelopment potential,

- o work with owners of private sites to encourage housing intensification,

- o develop publicly owned sites using design briefs and possibly through joint venture,

- o examine public land banking for Co-op or Non-Profit Housing sites,

- o a terms of reference be drawn up and funding requested from the Province.

- Opportunities for residential intensification should be actively sought.

AS OF RIGHT CONVERSIONS SUBJECT TO COMMUNITY ACCEPTANCE

That techniques be explored to allow conversions without need for Council or Committee of Adjustment approval where the community favours the proposal.

- Further conversions could be permitted where Neighbourhood acceptance is high subject to a high percentage of owners/residents endorsement and subject to other conditions. Such mechanisms are used in the City of Toronto.

ENFORCEMENT

1) *Illegal conversions*

That streets or areas which show deterioration as a result of illegal conversions as defined by the Planning and Development Committee be the subject of review by street residents or neighbourhood association to establish a rationale for dealing with the various conversion situations and that implementation be through enforcement as appropriate.

- Enforcement of illegally converted units usually takes place on a complaint basis. However, concern has been strongly expressed about the deterioration of neighbourhoods and streets where conversions have been concentrated. Opening up wider areas of the City to conversion should take the pressure off the pre-1940 areas. However, in locations where deterioration is a concern, a review of the situation and possible remedies should be developed by those involved with staff assistance. This would make the deterioration of neighbourhoods in pre 1940 areas less likely.

2) *Entry to dwellings*

That a resolution be passed supporting the Province's proposed change to the Building Codes Act (Bill 103) so as to enable municipal building inspectors to gain entry to dwellings to ensure that zoning and building regulations are being followed:

- Enforcement of Zoning By-law and Building Code has proved difficult without right of entry, particularly for conversions.

APPENDIX

RECOMMENDATIONS FROM HIGH DENSITY RESIDENTIAL STUDY

- That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- That the Central Area Plan Official Plan Amendment include a policy encouraging, where appropriate:

  (i) lower building heights;
  (ii) building scale, setbacks, and design which are compatible with existing streetscapes;
  (iii) innovative design;
  (iv) preservation of heritage buildings or of historical features such as building facades;
  (v) preservation of trees and other landscape features;
  (vi) dedication to the City of useable open space for a public park where appropriate;
  (vii) turning over units for subsidized housing;
  (viii) providing ground related units suitable for families;
  (ix) providing facilities such as day nurseries for community use;
  (x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;
  (xi) providing enclosed parking.

  The granting of planning incentives (eg. higher densities) may be used to achieve the above and would be at the discretion of Council and would be applied on a site-by-site basis and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development:

  - where high density development is appropriate that it be located in the downtown core and/or with access to high volume arterial roads.

  - low density development be located in the centre of neighbourhoods and at a distance from the downtown core.

- medium density development be located between low density and high density development.

- that high density development should primarily be medium rise although high rise should be permitted particularly in the downtown core and in nodes where direct access to high volume roads is available.

- that locations of both density and high rise be determined through the neighbourhood plan.

- the appropriateness of development should be judged in accordance with the following criteria:

  "where little adverse impact is created on views and vistas particularly the Escarpment and the Waterfront, privacy, traffic and street scale and texture."

  and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.

o The Central Area Plan Official Plan Amendment should provide definintions of the terms low, medium and high density, and low, medium and high rise and that the Planning and Development Committee refer the matter to the Planning and Development Department.

o That the Central Area Plan Official Plan Amendment include a policy encouraging further high density residential development in the downtown core and that the Planning and Development Committee refer the matter to the Planning and Development Department.

o That the Central Area Plan Official Plan Amendment include a policy supporting in certain cases the development for residential purposes of vacant areas which exist at ground level under certain apartment buildings and that the Planning and Development Committee refer the matter to the Planning and Development Department.

o That portions of landscaped areas of existing apartment buildings be examined for residential use as part of the proposed Housing Intensification Study, and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.

o That the Durand Neighbourhood Plan be reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:

  (i) to develop new policies and designations for areas currently zoned for high density residential development;
  (ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.

  and that the matter be referred by the Planning and Development Committee to the Durand Neighbourhood Plan Implementation Committee and the Planning and Development Department.

- That new multiple residential zoning categories be established that would have the following characteristics and that the Planning and Development Department prepare a report on the following matters:

  (i) reduced required side and rear yards;
  (ii) front yards related to the setbacks of buildings on adjacent properties;
  (iii) reduced landscaping bonuses;
  (iv) no landscaping bonus;
  (v) reduced building height.

  These three zones would have height and density provisions on the range of the following:

  Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.
  Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.
  Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio.

  These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1", and "E-2" Zones would be permitted to develop their property in line with the above provisions on the following basis:

  These three zones would have height and density provisions in the range of the following:

  (i) lands zoned "E" could be developed according to the standards of Zone "A".

  (ii) lands zoned "E-1" also could be developed according to the standards of zone "A".

  (iii) lands zoned "E-3" could be developed according to the standards of zone

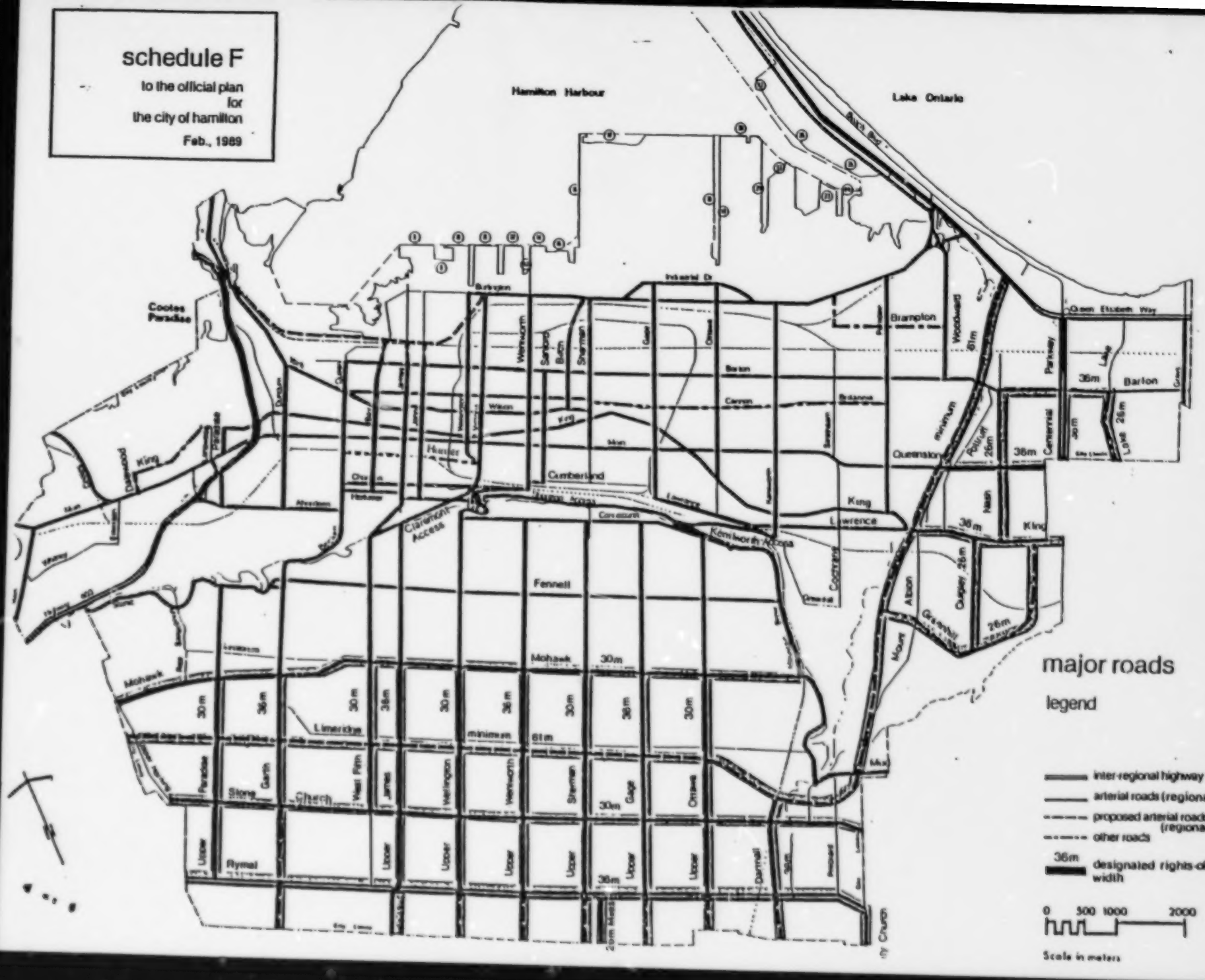
- That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.

- That the following proposal "That the City increase the awareness of the owners of large underutilized parcels of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.

schedule F

to the official plan
for
the city of hamilton

Feb., 1989



Map 1